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CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 6, 1977.

The City Planning Commission met pursuant to notice on Thursday, January 6, 1977, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Roger Boas, Ina F. Dearman, James J. Finn, Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Wayne Reike, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Robert Meyers, City Planning Coordinator; Robert Feldman, Planner III; Alan Billingsley, Planner II; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

Approval of the minutes of the meetings of October 14 and 28, November 4 and 18, and December 16 and 22, 1976, was deferred until the next Regular Meeting of the Commission because some members of the Commission had not had an opportunity to review all the minutes.

CURRENT MATTERS

Vice-President Rosenblatt welcomed Roger Boas, newly appointed to the post of Chief Administrative Officer, who will serve as an ex officio member of the Commission.

Rai Y. Okamoto, Director of Planning, called attention to special meetings of the Commission which have been scheduled as follows: Friday, January 7, at 4:00 p.m. in Room 282, City Hall; Wednesday, January 19, at 7:30 p.m. at the Commodore Stockton School; and Friday, January 28, at 9:00 a.m. at 100 Larkin Street.

At this point in the proceedings, President Lau arrived in the meeting room and assumed the chair.

The Director reported that the Board of Permit Appeals had sustained the Commission's action disapproving psychiatrists offices at 316-18 Laurel Street during its meeting on December 22. At its meeting on January 5 the Board voted to grant a permit for alterations at 235 Edgewood Avenue subject to conditions which may bring the project into conformity with the City Planning Code. That

permit had previously been approved by the staff of the Department of City Planning because of a mistake in reading the plans for the proposed project.

The Director informed the Commission that he will meet with Mayor Moscone next Tuesday afternoon to discuss the relationship between the Department of City Planning and the Board of Permit Appeals.

Commissioner Starbuck advised the Commission that the Implementation Committee had met earlier in the day. He reported that a public hearing will be scheduled in March to consider the proposed changes in the Residential Zoning Study maps adopted on May 20, 1976. He also indicated that the staff of the Department of City Planning will be preparing a memorandum for consideration by the full Commission which will outline the staff recommendation as to which types of matters should not come before the Commission for discretionary review.

EE76.44 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT ON THE PLAN FOR THE NORTHEASTERN WATERFRONT AND RELATED AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE MASTER PLAN.

Alec Bash, City Planning Coordinator, summarized the draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including Jean Kortum, representing the Landmarks Preservation Advisory Board; Sprouse, representing the League of Women Voters; and Robert Katz, representing the Telegraph Hill Dwellers.

At the conclusion of the hearing, President Lau directed that this matter be taken under advisement until a Special Meeting to be held on Wednesday, January 19, 1977, at 7:30 p.m.

A tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

PUBLIC HEARING ON THE PLAN FOR THE NORTHEASTERN WATERFRONT
(A REVISION OF THE NORTHERN WATERFRONT PLAN) AS AN AMENDMENT TO THE MASTER PLAN

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE MASTER PLAN, TO CONFORM SAID ELEMENT TO THE PLAN FOR THE NORTHEASTERN WATERFRONT.

Alan Billingsley, Planner II, noted that the proposed plan amendments had been presented to the Commission during its meeting on December 16. However, he indicated that he would be prepared to respond to any questions which might be raised by members of the Commission.

Ron Kaufman, representing the owners of approximately three blocks of property in the Northeastern Waterfront, stated that he had a great deal of respect for the individuals who had served on the Planning Advisory Committee for the Northeastern Waterfront. However, he remarked that none of the property owners in the area

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had been consulted by the members of the committee; and, in the future, he suggested that affected property owners should be involved in the planning process.

Commissioner Rosenblatt, Chairman of the Planning Advisory Committee for the Northeastern Waterfront, stated that the committee had been constituted so that property owners interests could be represented by organizations such as the Chamber of Commerce, the Downtown Association, and the Fisherman's Wharf Association. However, he acknowledged that the Committee should probably have had some sort of informal consultation with property owners in the area.

Molly Sprouse, representing the League of Women Voters, supported the proposed plans amendments. She remarked that waterfront decisions in the past have been based on expediency; and she felt that the fact that representatives of various organizations which have diverse points of view had been willing to compromise and to accept the proposed plan changes was extremely significant. She hoped that everyone would now be prepared to work vigorously for implementation of the revised plans, giving first priority to implementation of the revised transportation plan for the area.

Don Hesse, the housing representative from the Human Rights Commission, stated that he was pleased that the revised plan included policies calling for the preservation and expansion of the supply of low- and moderate-income housing and encouragement of the economic integration of housing. However, unless those objectives are aggressively pursued by the Commission, he did not feel that the policies would have any positive effect. He believed that any housing development consisting of more than 50 units should have some low-income units; and he hoped that the Commission would place the burden on developers to demonstrate why it would not be possible for them to provide a housing mix.

Michael McGill, representing the San Francisco Planning and Urban Renewal Association (SPUR), stated that the president of his organization had served on the Planning Advisory Committee for the Northeastern Waterfront. The revised plan had already been endorsed by his organization; and he urged the Commission to adopt the revised plans as quickly as possible.

Robert Katz, representing the Telegraph Hill Dwellers, read and submitted the following prepared statement:

"As a member of your PLANNING ADVISORY COMMITTEE (PAC), I would like to submit the following comments on the proposed plan.

I. OBJECTION FOR THE RECORD

You are familiar with the Telegraph Hill Dwellers' opposition to the North Point/Marina Development. Since the Planning Commission has already approved this project, we do not intend to reopen the matter. We would simply like to restate our reasons for the record:

1. The project will attract 6,000,000 additional visitors to an already overcrowded area.

"2. Construction will coincide with the massive sewer construction in the area.

"3. 9000 existing on-and-off street parking places will be increased by a 1000 car garage, compounding existing congestion.

"Our objections are not to the Simmons project per se, but to its location next to Fisherman's Wharf with its 12-14,000,000 yearly visitors. We would have had no objections to the project in the Ferry Building area. We regret to see the project included in the new Master Plan in the area of Piers 37-41.

"II. COMMENTS ON THE BALANCE OF THE PROPOSED PLAN

"As you know, members of PAC served as individuals, even though they represent, in general, the views of the organization to which they belong. My organization has not had an opportunity to review the proposed plan in detail. My comments are therefore of a personal nature, though I am confident that they reflect the general feeling of the Telegraph Hill Dwellers.

"A. SUPPORT

"A great deal of thoughtful planning has gone into the proposed plan, and I support it with the exceptions noted under 'I' and below.

"Page 5, Policy 8

"At its meeting of 11/19/76, the PAC unanimously adopted the following language which was not included in the Plan:

"Allow marinas only where upland parking is available. Encourage vehicular drop-off facilities for Marinas.

"These sentences should be added to Policy 8.

"Page 13, Pol. 5 & Page 15, Pol. 1 (Piers 41-37)

"The conditional use permit for the North Point Park/Marina contains certain restrictions which apply only to the project itself. Should the project fail, these restrictions would not be binding on subsequent developers who might submit different plans. It is therefore essential to lay down planning guidelines which would apply to any project in this area. For these reasons I urge you to include the following safeguards in the proposed plan:

"1. Parking only south of the Embarcadero.

"2. No facilities allowing take-off or landing of aircraft shall be permitted.

"3. Minimum size for North Point Park.

"4. New fill to include 50% walkable open space.

"(These points are in conformance with the Simmons plans, but should also be binding on other developers, should the Simmons plan not materialize)

"Page 7, Pol 5 prohibits parking over the water for marinas in the Ferry Building area. This prohibition should equally apply to the waterfront N/W of the Ferry Building area.

"Figure 4: Map of Pier 37-41 Area

"This map is poorly drawn and differs substantially from the drawing in the Simmons EIR (Site Plan, p.8):

"a) The garage is larger and indicated landscaping is eliminated.

"b) The North Point Park seems to end in the middle of Pier 39.

"c) All kinds of rectangles dot the seawall Between Pier 37 and the middle of Pier 39, without indication whether these are buildings, benches or whatever. Any map of this kind should be specific. Buildings in this location would certainly be objectionable and against the policy of open views towards the Bay.

"d) In the Simmons Site Plan, the triangle east of the garage indicates substantial landscaping. This has been eliminated in Figure 4.

"I therefore urge you to reject Figure 4 in its present form and to direct the Staff to redraw it in conformity with the original site plan.

"Page 17, Obj. 4, Pol. 1 calls for the removal, if practical, of the easternmost portion of Shed A on Pier 45 to expand the view of the Bay from Taylor St. and the proposed Fisherman's Warf Plaza. This is a very desirable feature. Figures 3, 5A and 6 should be corrected to conform with this objective.

"Page 21 (Base of Telegraph Hill).

"The first draft of the Plan included the following sentence: 'Encourage the provision of landscaping & publicly accessible open space in new developments in the area'. It was eliminated in the Plan as submitted and should be reinstated as Policy 6.

"Page 23, Obj. 6, Pol. 2 (Base of Telegraph Hill)

"At its 8th meeting (9/3/76), the PAC unanimously adopted the following resolution:

'Where existing height limits do not conform to adequate sightlines to and from Telegraph Hill, new construction should conform to these sightlines'.

"This sentence should be added to Policy 2.

"Figure 8 A (after p. 26): FERRY BUILDING AREA

"This primitive sketch contains a large number of unidentified and extremely view-blocking buildings on either side of the Ferry Building, in direct violation of Objective 6, Policy 2 (p.28) which calls for retaining and expanding existing view corridors.

"It should be deleted or substantially revised.

"Page 28, Policy 5 calls for ceremonial ships in a highly visible central location. While this is desirable, it seems indicated to specify that this should be achieved 'with a minimal blockage of Bay views'.

"Page 27, Policy 1 (Bart Platform to Pier 14)

"This policy, lines 13-16, allows portion of a promenade elsewhere to be counted as walkable open space in this area. This could result in overly massive construction, blocking crucial Bay views, and should be modified. (The sentence calling for 'maximum feasible' public access is meaningless since feasibility would be judged by economic rather than environmental standards.)

"I have tried to confine my suggested revisions to essential points, and to make them as specific and constructive as possible. I hope that the Planning Commission will accept them in that spirit.

Commissioner Rosenblatt suggested that he and members of the staff of the Department of City Planning should meet with Mr. Katz to discuss the points which he had raised prior to the Commission's next meeting on the matter. He also suggested that it might be desirable to include a notation on graphic materials in the report to the effect that the graphic materials are merely schematic in nature and do not present specific recommendations.

Dan Ponder, representing the Fisherman's Wharf Association, stated that he had enjoyed working on the Planning Advisory Committee for the Northeastern Waterfront; and he urged the Commission to adopt the revised plan.

Jean Kortum, representing the Landmarks Preservation Advisory Board, stated that she, also, had found the Planning Advisory Committee to be one of the best committees on which she had ever served. However, she did not recall that the committee had discussed the fact that the language of Objective 2, Policy 1 of the Fisherman's Wharf sub-area of the plan would permit construction of a hotel in the Pier 37-41 area; and she felt that language may have been carried forward from the previous plan inadvertently.

Commissioner Rosenblatt stated that the committee had assumed the Simmons project would be constructed and that the hotel which had previously been proposed would not be revived; but he agreed that the language should be removed from the plan.

Bruce Moody, architect for the Simmons project, noted that the property which would have been developed with a hotel had been reclassified as "open space". As a result, it would no longer be possible to construct a hotel on that property.

Alan Lubliner, City Planning Coordinator, called attention to a clerical error in the revised reference to State Route 480 in the Transportation Element of the Master Plan. The language read that there should be no freeway or high-vehicular capacity limited access connection between the Golden Gate Bridge "or" downtown. He indicated "and" should be substituted for the word "or" in that language.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that these matters be taken under advisement until the Special Meeting to be held on Wednesday, January 19, at 7:30 P.M.

ZM77.2 - THE BLOCK BOUNDED BY DONNER AND EGBERT AVENUES AND DONAHUE AND EARL STREETS.

R-2 AND PROPOSED RH-2 TO AN M-1 DISTRICT. (EE76.448)

CU76.41 - 128 EGBERT AVENUE, THE TWO BLOCKS GENERALLY BOUNDED BY EGBERT AND DONNER AVENUES AND FITCH AND DONAHUE STREETS.

REQUEST FOR AUTHORIZATION TO CONTINUE THE EXISTING USE FOR AUTOMOBILE WRECKING IN AN OPEN YARD FOR SEVEN YEARS. (EE74.135)

Robert Passmore, Planner V (Zoning), stated that the City Planning Commission had previously granted conditional use authorization for use of the subject properties for automobile wrecking; however, that authorization expired on January 1, 1977. The block bounded by Donner and Egbert Avenues and Donahue and Earl Streets is currently zoned R-2; and automobile wrecking activities, which are a nonconforming use of the residentially zoned property, will be required to terminate on January 28, 1977, unless the property is reclassified. The Tow Car Association, which has a contract with the city to operate a car pound under the jurisdiction of San Francisco Police Department, occupies the property. The existing contract with the city will run for two more years; and the Tow Car Association proposes to renew the contract for another five year period in 1978. Therefore, the Tow Car Association had requested that the existing use be allowed to continue for seven additional years. Mr. Passmore stated that the subject property will be acquired by the State for the new Candlestick Cove Park. Although the Tow Car Association was aware that it will eventually be required to relocate, it has not yet been successful in finding an alternate site for its operation. The block bounded by Donner and Egbert Avenues and Donahue and Earl Streets had been zoned R-2 in conformance with

recommendations of the South Bayshore Plan; and, if the authorization for the existing use were to be continued, that block would have to be reclassified to M-1. In conclusion, he stated that the Commission could not take action on the subject application during the present meeting because the required environmental evaluation of the applicant's proposal had not yet been completed.

Richard Weigner, representing the Tow Car Association, Inc., submitted copies of newspaper articles which had appeared in local newspapers regarding the Tow Car Association's involvement in removing abandoned vehicles from city streets. He advised the Commission that the association does no dismantling on the site other than the removal of gasoline tanks, tires, and wheels. The association had made every possible effort to find an alternate site which could be purchased or leased for the operation, but had thus far been unsuccessful. If the operation were to be relocated outside of San Francisco, he believed the Police Department would lose jurisdiction over the automobiles; and it appeared that there are no alternate sites for the operation in San Francisco. Under the circumstances, he did not understand why the staff of the Department of City Planning seemed to be opposed to the association's proposal to continue the present use of the site.

Captain Seghy of the San Francisco Police Department stated that the Police Department would not necessarily lose jurisdiction over the automobiles if the operation were to be relocated outside of San Francisco. However, Police Officers must make daily visits to the operation; and it would be inconvenient for both the police and for private citizens if the operation were located outside of the city. He remarked that not all of the automobiles which are towed by the association have been abandoned; some have merely been left on the streets beyond legal time limits. He stated that the Police Department was relatively neutral on the question of the operation's location as long as it is within the city limits.

Mr. Weigner mentioned several sites which had been considered by the Tow Car Association, all of which had proven to be unavailable or inappropriate for the proposed use. The buildings formerly occupied by the American Can Company had been considered; but the Fire Department would not allow the removal of gasoline tanks within that building.

Norman Barnett, Manager of the Tow Car Association, summarized and submitted the following statement:

"Tow Car Association, Inc. operates the Storage yard at 998 Egbert Ave., for abandoned automobiles impounded by the San Francisco Police Department. This impound area exists by virtue of a conditional use permit issued by the Planning Commission, and expires 12/31/76. As you know, Tow Car Association has expended a great deal of time and money in an effort to obtain a suitable location to which this operation could be moved. Because of the large area required to store these abandoned vehicles and due to the scarcity of such land parcels, our task, as well as that of the city agencies involved, is extremely difficult, and is becoming continually more difficult, as more potential sites are designated for future

development by various governmental agencies. For example, the most recent area removed from consideration, is the controlled area surrounding the Yerba Buena Center Redevelopment Project Area. This comes hard on the heels of the large section removed by designation of the area earmarked for the San Francisco Wastewater Master Plan, in the vicinity of Islais Creek and the India Basin. The possibility of obtaining the use of one of the now vacant piers does not have the approval of the Port Authority, and we are led to believe such approval will not be forthcoming.

"Additionally, due to loss of physical control of these impounded vehicles, because of a lack of jurisdiction by the San Francisco Police Department beyond the limits of the City & County of San Francisco, any site must therefore be located within the geographical boundaries of the City & County.

"Of several probable locations we have been able to consider, only one received approval from all city agencies and departments involved, including the unanimous approval of the Planning Commission. However, use of this site was denied us by unanimous vote of the Board of Supervisors on an appeal from the Planning Commission decision, thus upsetting this vote of approval from all previous agencies, including that of the City Purchaser, Dep't of Public Works, Traffic Engineering, Police Department, Board of Health, and other groups concerned.

"Because of the extreme difficulty we have encountered in obtaining premises suitable to all concerned, an extension of the Use Permit under which Tow Car Association, Inc. presently operates, is now respectfully requested, storing abandoned vehicles impounded by the San Francisco Police Department.

"We are aware that our present location has been designated as a future recreational area and that certain monies have been appropriated for this project. It is also our understanding that actual development of this project has not been timetabled for the immediate future, and we therefore feel that granting such an extension of our existing permit would in no way interfere with the development of this project. Such an extension would also provide opportunity for us to diligently pursue a location more satisfactory to the desires of the City of San Francisco, and to the needs of our Association in performing this service that is so vital to all citizens of San Francisco.

"In closing we would point out the fact that, in connection with the restrictions on available sites imposed by the controlled area as a result of the Yerba Buena Project, a parking area capable of accommodating 1,000 cars is being planned for the area adjacent to Candlestick Park, which is in the immediate vicinity of our present location. Establishment of such a parking facility would be of great value to the taxpayers who come to our impound facility to retrieve their vehicles, due to the fact that a shuttle bus service is contemplated to facilitate transportation to and from the

downtown area, thus making it easier for these citizens to reclaim vehicles, since a number of them do arrive at our location by public transportation. Service at no cost to Taxpayer- but does provide revenue in form of monies from citations.

"Your deepest consideration in this matter will be greatly appreciated."

Mr. Barnett also stated that the Board of Supervisors had taken the position that the association's operations should be conducted within an enclosed building; however, the Fire Department had taken the position that the use must be operated on an open lot.

Mr. Weigner stated that there is currently a lot of garbage around the subject property. While the garbage was not generated by the Tow Car Association, the association had contracted with Chet C. Smith Trucking Company to clean up the area.

Commissioner Rosenblatt asked why the Fire Department had objected to conducting the operation within an enclosed building. Mr. Barnett replied that the Fire Department had been opposed to having automobiles with gas in their tanks stored in an enclosed building. In addition, the Fire Department felt that it would be difficult to get their equipment into an enclosed building in case of a fire. When Commissioner Rosenblatt asked why the Fire Department differentiated between the parking of abandoned automobiles and the parking of automobiles in a downtown garage, Mr. Barnett replied that he could not explain the Fire Department's reasoning.

Mr. Passmore recommended that this matter be continued to the Commissions meeting on January 27. After further discussion it was moved by Commissioner Finn, seconded by Commissioner Starbuck, and carried unanimously that these matters be continued until the Commission's Regular Meeting on January 27, 1977.

At 3:35 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 3:45 p.m. and proceeded with hearing of the remainder of the agenda

CU76.45 - 3393 - 22ND STREET, NORTHEAST CORNER OF GUERRERO STREET.
REQUEST FOR CHANGE IN STATUS FROM NON-CONFORMING USE TO
CONDITIONAL USE TO ALLOW FOR THE ADDITION OF 3 DWELLING
UNITS TO BE BUILT OVER THE EXISTING STORE. (EE76.425)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 27 feet on 22nd Street and 90 feet on Guerrero Street. The property, which is zoned R-4, is occupied by a one-story building with a non-conforming grocery store. A two-car garage is located at the rear of the store. The applicant proposed to add 3 dwelling units to the building consisting of 2 two-bedroom units on the first floor and one 3 bedroom unit on the second floor. Decks in front and back would provide open space. No change was being proposed for the store; however, non-complying

projecting signs would be removed. A third parking space would be added. The staff of the Department of City Planning had issued a negative declaration for the project on December 31, 1976; however, since the appeal period for that negative declaration had not yet expired, the Commission could not take final action on the application during the present meeting.

James Harb, architect for the applicant, described the proposed project, indicating that the completed building would be lower in height than the two adjacent buildings. He also indicated that his client intended to plant street trees on the site.

Mrs. John Sarantitis, owner of property on Fair Oaks Street, felt that the proposed alterations to the subject building would block the view from her property and decrease the value of her property. Her daughter, who was also present in the meeting room, stated that they feared that the proposed additions to the building might give the building a height in excess of 40 feet.

Commissioner Starbuck observed that the property is subject to a 40-foot height limit; and, as a result, the height of the building could not exceed 40 feet. Mr. Passmore noted that the applicant's architect had indicated that the building would still be lower in height than the adjacent buildings when the remodeling project is completed.

Mr. Tannous, the applicant, confirmed that the completed building will still be lower in height than the adjacent structures.

President Lau requested the applicant and his architect to meet Mrs. Sarantitis during the next week to familiarize her with the project.

Mr. Passmore stated that he was prepared to recommend that the application be approved subject to four conditions; however, because the Commission could not take action during the present meeting, he recommended that the matter be taken under advisement until the meeting of January 13.

Mrs. Adanza, owner of an adjacent parcel property, stated that she was concerned that the proposed building addition be compatible with the building on her property.

Mr. Tannous explained that Mrs. Adanza's property has illegal windows on their mutual property line.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that this matter be taken under advisement until the meeting of January 13, 1977.

CU76.41 - 1434 - 7TH AVENUE, EAST SIDE, 200 FEET SOUTH OF JUDAH STREET.
REQUEST FOR AUTHORIZATION TO CONTINUE A RESIDENTIAL CARE
FACILITY SERVING 10 AMBULATORY PERSONS; IN AN R-2 AND PROPOSED
RH-2 DISTRICT. (EE76.420)

Robert Passmore, Planner V (Zoning), referred to land use and zoning

maps to describe the subject property which has a 25-foot frontage on 7th Avenue and a depth of 125 feet for a total area of 3,000 square feet. The property is occupied by a 3-story frame building which is used as a residential care facility for 10 ambulatory elderly persons. The use had been authorized by the City Planning Commission on January 7, 1976; but the authorization had extended only to the operators of the facility at that time. New owners and operators of the facility were requesting authorization to continue operation.

President Lau asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

Mr. Passmore recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He indicated that the conditions were essentially the same as those which had applied to the authorization granted by the Commission one year ago.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7624 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

ZM76.12 AND - 2690 JACKSON STREET, NORTHEAST CORNER OF SCOTT STREET.
CU76.47 REQUEST FOR AUTHORIZATION TO CONTINUE AN EXISTING CHILDREN'S TREATMENT CENTER FOR 12 EMOTIONALLY HANDICAPPED CHILDREN, WITH 8 CHILDREN IN RESIDENCE AND 4 CHILDREN IN A DAY CARE PROGRAM, IN AN EXISTING ONE-FAMILY HOUSE IN AN R-2 AND PROPOSED RH-1 DISTRICT. (EE76.430)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property. He stated that the Children's Treatment Center had been established in 1973; however, since the operators of the treatment center had not sought conditional use authorization as required when more than 6 children are involved, the use had been in violation of the City Planning Code. The violation had come to the attention of the staff of the Department of City Planning when the operators had filed for a permit to install sprinkler facilities in accordance with a recent State law. If the conditional use authorization for the use were to be granted, the Commission would also have to change the proposed Residential Zoning Study Maps to show the subject property as RH-2 rather than RH-1.

President Lau asked if anyone were present in the audience in opposition to the application and received a negative response.

Mr. Passmore recommended that the proposed Residential Zoning Study Maps be changed to show the property as RH-2 rather than RH-1 and that the conditional use application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7625 be adopted to change the subject property from an RH-1 to an RH-2 District on the proposed Residential Zoning District Map which was initiated on May 20, 1976. Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7626 be adopted and that Application CU76.47 be approved subject to the conditions which had been recommended by Mr. Passmore.

CU76.48 - 921-23 LINCOLN WAY, SOUTH SIDE, 107.5 FEET WEST OF 10TH AVENUE.
REQUEST FOR AUTHORIZATION TO CONTINUE OPERATING A RESIDENTIAL
SOCIAL REHABILITATION FACILITY FOR 12 ADULTS IN AN EXISTING
2-FLAT BUILDING. (EE76.436)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has 2500 square feet of lot area and is in an R-2 and proposed RH-2 district. The two-flat building which occupies the site has been used as a Residential Social Rehabilitation Facility for 12 adults since July, 1973. However, since the operators of the facility had failed to obtain conditional use authorization as required when more than 6 individuals are involved, the facility has been in violation of the City Planning Code. The staff of the Department of City Planning learned of the violation when the operators of the facility filed for a permit to install sprinklers in accordance with a recent State law.

President Lau asked if anyone were present in the audience to speak in opposition to the subject application and received a negative response.

Mr. Passmore recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7627 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

CU77.1 - 730 BAKER STREET, EAST SIDE, 105.5 FEET NORTH OF McALLISTER STREET.
REQUEST FOR AUTHORIZATION TO CONTINUE OPERATING A RESIDENTIAL
SOCIAL REHABILITATION FACILITY FOR 20 ADULTS IN AN EXISTING
DWELLING IN AN R-4 AND PROPOSED RH-3 DISTRICT. (EE76.442)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property. He stated that the existing building on the site has been used as a residential social rehabilitation facility for 20 adults since October, 1964. Since the operators of the facility had not obtained conditional use authorization as required when more than six individual

are involved, the use has been in violation of the City Planning Code. The staff of the Department of City Planning learned of the violation when the operators filed for a permit to install a sprinkler system in the building in accordance with a recently enacted State requirement.

Clarabelle Coleman, 743 Baker Street, asked what kind of patients are housed within the subject facility.

Douglas S. Carver, Associate Director of Baker Places, Inc., the applicant, stated that the purpose of his organization's program is to facilitate the re-entry of individuals who have had mental problems into the community. He extended an invitation to Mrs. Coleman to visit the facility across the street from her house.

Commissioner Dearman asked if the residents of the facility represent a racial mixture. Mr. Carver replied in the affirmative.

Mr. Passmore stated that Baker Places, Inc. has contracts with the City aimed at meeting the mental health needs of the Community. He recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7628 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

CU77.2 - 2153 - 57 GROVE STREET, SOUTH SIDE, 160 FEET EAST OF SCHRADER STREET.
REQUEST FOR AUTHORIZATION TO CONTINUE OPERATING A SOCIAL RE-HABILITATION FACILITY FOR NINE ADULTS IN THE EXISTING TWO FLAT BUILDING; IN AN R-3 AND PROPOSED RH-2 DISTRICT. (EE76.443)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property. He indicated that the two-flat building which occupies the site has been used as a residential social rehabilitation facility for nine adults since February, 1973. However, since the operators of the facility had not sought conditional use authorization as required when more than six individuals are involved, the use has been in violation of the City Planning Code. The staff of the Department of City Planning had become aware of the violation when an application was filed to permit the installation of a sprinkler system in accordance with a recently enacted State requirement.

Mildred A. Dold, owner of property at 2126 Grove Street, stated that she was not opposed to the subject application; however, on behalf of other property owners in the area, she requested that the Commission establish a condition requiring the applicant to maintain the residential character of the building. While most of the properties in the neighborhood are beautifully

maintained, the subject building has gradually deteriorated. At times curtains in the building are rolled up in a ball or removed altogether; and bulletin boards are often displayed in the windows. While she respected the work which is being done by the applicants, she felt that they should be required to maintain the residential appearance of the building. She also remarked that the neighborhood has serious parking problems; and she asked if patients in the subject facility have automobiles.

Douglas S. Carver, Associate Director of Baker Places, Inc., the applicant, stated that 95% of residents of the building do not own automobiles.

Debra McKay, a resident of Cole Street, stated that she was acquainted with people who used to live next door to the subject facility. Those individuals had been disturbed by patients in the facility who used to climb over their fence and create other disturbances; and they had moved out of the neighborhood. As a result, she questioned whether the residents of the building are mentally stable.

Mr. Carter replied that the residents of the facility are subject to staff supervision; and indicated that there are usually two supervisors on duty. He stated that he had not been aware of any disturbances in the past; and he urged residents of the neighborhood to advise his staff of any incidents which might develop in the future.

Mrs. McKay then asked if the applicants own the subject property. Mr. Carter replied in the negative and indicated that the building is leased on a year-to-year basis.

Dr. William Pierce, Executive Director of the Westside Community Mental Health Services, stated that residents of the subject facility have had emotional problems and some have been hospitalized; however, all of them are being prepared for re-entry into the community. He advised residents of the neighborhood that Westside Community Mental Health Services has an advisory committee which is responsible for monitoring the residential social rehabilitation facility; and he indicated that that board meets the fourth Wednesday of every month at 2201 Sutter Street. He invited any residents of the area who experience problems with the subject facility to report them to his board; and, in fact, they could become members of the board if they so desired. He emphasized his board wants to maintain the residential character of neighborhoods in which such facilities are located.

At this point in the proceedings Commissioner Starbuck temporarily absented himself from the meeting room.

Mr. Passmore recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He noted that condition No. 2 of the draft resolution provided that "the building exterior may not be altered from its present residential character, and it must be kept in a neat and attractive manner."

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Finn and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7629 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

DR76.37 - DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE APPLICATION
REQUESTING AUTHORIZATION FOR A THREE STORY BUILDING OVER
BASEMENT EXCEEDING 30 FEET HEIGHT ON SOUTHERN HEIGHTS AVENUE,
SOUTHEAST CORNER OF RHODE ISLAND STREET.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of three lots. Two of the lots are occupied with two family houses; and the third lot is occupied with a large single family house. The applicant proposed to construct a three family dwelling 40 feet in height on the site of one of the existing two family houses at 115-121 Southern Heights Avenue and to retain the remaining structures. Under proposed zoning standards adopted by the Commission on May 20, 1976, any building constructed on the property could rise to a height of 30 feet as a matter of right and to 40 feet with conditional use authorization from the Commission. However, until those provisions are formerly enacted, the Commission is conducting discretionary review of such proposals. In conclusion, Mr. Passmore stated that the applicant would not be permitted to construct more than two dwelling units on the site unless a density variance is granted by the Zoning Administrator.

At this point in the proceedings Commissioner Starbuck returned to the meeting room and reassumed his chair at the Commission table.

Jonathan Bulkley, Architect for the applicant, stated that the project had been initiated in 1974 and building applications had been filed in the spring of 1976. However, since detailed building plans had not yet been submitted when the Commission initiated the Residential Zoning Standards May 20, 1976, a determination was made that a density variance would have to be granted by the Zoning Administrator if the third dwelling unit were to be constructed. He indicated that the building which will be demolished does not meet current code standards; and he doubted that it would be possible to bring the building up to code standards. He stated that his client intended to live in the new building and to rent the other unit. He advised the Commission that the proposed building will have approximately the same height as the existing building; and, since the subject property is the highest point of land in the area, the proposed building would not interfere with anyone's views or cast shadows on anyone's property.

Commissioner Bierman asked if the building which will be demolished has been condemned. Mr. Bulkley replied in the negative but indicated that he felt that the building probably should be condemned.

At this point in the proceedings, Commissioner Boas temporarily absented himself from the meeting room.

Mr. Bulkley displayed and described plans for the proposed building, indicating that two of the three floors of the building would be occupied by his client.

Seth Carlin, a resident of the neighborhood, stated that he had been concerned that the proposed construction might cast shadows on the nearby park; however, if it were to rise no higher than the existing building, he felt there would be no problem in that regard. He stated that he had been working with a group of neighbors who felt that the RH-2 zoning recommended for the area by action of the Commission on May 20, 1976, was appropriate; and he indicated that they would resist any effort to reclassify the subject property back to R-3.

Mr. Passmore recommended that the application be approved subject to the following condition: "1. That this authorization is contingent upon the granting of all necessary variances by the Zoning Administrator sought by the applicant for development of this property."

Commissioner Dearman asked how it would be possible for the proposed three story building to have the same height as the two story building which is being demolished. Mr. Passmore replied that the site would be excavated to allow for the provision of off-street parking spaces.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7630 be adopted and that the application be approved subject to the condition which had been recommended by Mr. Passmore.

**DR76.42 - DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE APPLICATION
REQUESTING AUTHORIZATION TO CONSTRUCT A GARDEN ROOM WITH WOOD
DECKING, TRELLISES AND TRANSLUCENT SCREEN FENCING ON THE ROOF
OF AN EXISTING ONE FAMILY DWELLING ABOVE 30 FEET IN HEIGHT AT
1852 LAGUNA STREET, EASTSIDE, 47.5 FEET SOUTH OF PINE STREET.**

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the property which is located in an R-2 and proposed RH-2 district. The property is occupied by a one story single family house which has a height of 30 feet. The applicants proposed to add a garden room having dimensions of 13 feet by 15 feet and wooden decking with trellises and translucent screen fencing and planters and canopy type trees spaced between trellises on the existing roof of a dwelling, to a height of 40 feet. The proposed RH-2 density standards allow development to a 30 foot in height as a matter of right and provide that a building may go to a height of 30 feet with conditional use authorization from the Commission. Until those provisions are formerly enacted, the Commission is taking such matters under discretionary review.

The Secretary advised the Commission that a letter had been received from the applicants indicating that they would not be able to be present at the Commission's hearing. However, they urged that the application be approved.

President Lau asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

Mr. Passmore recommended that the application be approved.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7631 be adopted and that the subject application be approved.

DR77.1 - DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE APPLICATION REQUESTING AUTHORIZATION TO CONSTRUCT A SECOND FLOOR OF LIVING AREA TO THE EXISTING ONE FAMILY DWELLING WHICH WOULD EXCEED 30 FEET IN HEIGHT AT 2462 23RD AVENUE, EAST SIDE, 240 FEET NORTH OF ULLOA STREET.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is located in an R-1 and proposed RH-1 district. The property is occupied by a single family house which has one living level over a garage area. The applicant proposed to add a second floor of living area to the building. The addition would contain a master bedroom, a family room and a bathroom. After completion of the project the building would have a height of 34 feet. Under the proposed RH-1 zoning standards a building may attain a height of 30 feet as a matter of right and may be allowed to go to 40 feet with conditional use authorization from the Commission. Until those proposed standards are formally enacted, the Commission is taking such matters under discretionary review with notice of public hearing as in conditional use cases.

President Lau asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

Mr. Passmore recommended that the application be approved.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7632 be adopted and that the application be approved.

At this point in the proceedings, Commissioner Boas returned to the meeting room and reassumed his seat at the Commission table.

DR77.2 - DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE APPLICATION REQUESTING AUTHORIZATION FOR A ONE-FAMILY HOUSE 40 FEET IN HEIGHT AT 155 ST. GERMAIN AVENUE, SOUTH SIDE, APPROXIMATELY 135 FEET FROM GLENBROOK AVENUE. (EE76.332)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 50 feet and a depth of 100 feet for a total area of 5,000 square feet. The property is subject to R-1-D and proposed RH-1 (D) zoning standards and to a 40 X height and bulk

district. The property is vacant. The applicant proposed to construct a single family house on two levels with a two car garage at the rear. The proposed building would have a height of 40 feet. Under the proposed RH-1 (D) zoning standards a building may attain a height of 30 feet as a matter of right and may be allowed to go to 40 feet with conditional use authorization from the Commission. However, until those zoning standards are formally enacted, the Commission is taking such matters under its discretionary review with notice of public hearing as in conditional use cases.

Ernest Conradi, 206 Palo Alto Avenue, stated that he would be opposed to any building which would have a height of more than 40 feet as measured from the curb in front of the property.

Mr. Passmore stated that the 40 foot height limit would be measured from the curb for a distance of ten feet into the lot and at 40 feet above natural grade for the remainder of the lot because the property is on an uphill slope.

Earl Gage, Attorney for the owner of Lot 2 in Block 2722, asked if the proposed structure would adversely affect the view from his client's property. If so, the proposed building would adversely affect the value of his client's property which is presently on the market.

Mr. Passmore stated that he did not feel that the proposed building would have any significant adverse effect on views from properties located on Palo Alto Avenue because Palo Alto Avenue is at a higher elevation. In order to aid Mr. Gage in visualizing the impact which the proposed building might have, he noted that the building immediately to the east of the subject property has a height of 40 feet and that the building immediately to the west of the site has a height of 50 feet.

Gus Farber, 160 St. Germain Avenue, stated that he has lived in the neighborhood for 26 years. During that time, new construction in the area had deprived his property of a great deal of light; and, at the present time, moss grows in his backyard during nine months of the year. He requested that plan changes be required so that the proposed building would not block all of the sunlight from his property.

Mr. Passmore stated that an analysis had been made of the shadows which would be cast by the proposed building; and he did not believe that they would adversely affect properties located on the north side of the street.

Commissioner Starbuck asked Mr. Farber if he were opposed to any development of the subject site. Mr. Farber replied in the negative but stated that he felt that the proposed building should be required to have significant side yard areas.

Mr. Passmore stated that five-foot side yards are required in the subject neighborhood. Therefore, the side yards on the property, in conjunction with side yards on adjacent properties, would provide a ten foot space between the buildings.

Another resident of the neighborhood asked if it would be possible to excavate the site so the building would extend less than 40 feet above grade. Mr. Passmore replied that it might be possible to excavate the site.

Ellis Jacobs, Architect for the applicants, stated that it would be impossible to excavate the site. He emphasized that buildings on either side of the subject property have heights of 40 and 50 feet respectively; and he felt construction of a building with a height of 30 feet on the subject property would result in a peculiar outline. He advised the Commission that he had taken a photograph of shadows which were cast by the two existing buildings on December 30; and those photographs had indicated that the shadows cast by the 40 foot building did not reach the sidewalk on the opposite side of the street. Furthermore, the building on the opposite side of the street is set back from the property line to provide room for a garage; and, as a result, the living area of that residence would in no way be affected by any shadows that might be cast by the proposed building.

Jules Heumann, 175 St. Germain Avenue, remarked that longer shadows would be cast by the buildings later in the day; however, those shadows would not be cast directly across the street but would be cast eastward.

Mrs. Wolfgang Linnenbach, the applicant, stated that she had taken a leave of absence from her job with the hope that construction could be initiated in the near future; however, she had found it to be very difficult to get the necessary permits approved. She felt that the proposed residents would in no way have a detrimental effect on properties owned by other individuals who were present in the audience; and she urged that the application be approved.

Mr. Passmore recommended that the application be approved subject to the following condition: "1. This authorization is contingent on the granting of all necessary variances by the Zoning Administrator sought by the applicant for development of this property."

Commissioner Boas asked Mr. Farber if he felt that the proposed building should be restricted to a height of 30 feet rather than be 40 feet which was being proposed. Mr. Farber replied that he was not necessarily opposed to the height of the proposed building; however, he felt that ample side yards should be provided so that some sunlight would reach his property.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7633 be adopted and that the application be approved subject to the condition which had been recommended by Mr. Passmore.

At 5:20 p.m. President Lau announced a five minute recess. The Commission reconvened at 5:25 p.m. and proceeded with hearing the remainder of the agenda.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 464491 FOR CONVERSION OF A GROUND FLOOR NON-CONFORMING USE TO A GROCERY AND LIQUOR STORE AT 701 FILLMORE STREET.

Robert Passmore, Planner V (Zoning), indicated that the Commission had

received a letter from Charles W. Callister, President of the Alamo Square Association, which read as follows:

"With regard to the application by Mr. A.E. Ayesh for a permit for a liquor and grocery store at the above address, our association wishes to express the concern of the neighbors about the possible approval of this permit. We feel it is important to bring certain facts about the situation to your attention.

- "1) 701 Fillmore is located close to the following schools and churches:
French-American Bilingual School--Grove and Steiner streets
Sacred Heart Church and Parochial School--Fell between Webster and Fillmore streets
Convent of the Sacred Heart--across the street from 701 Fillmore
Louise Lombard School--Hayes and Pierce streets
New Jerusalem Gospel Church--Fillmore between Hayes and Fell streets
- "2) Facilities in the area which also sell liquor and groceries are located at:
Fillmore and Oak streets
Fillmore and Fell streets
Fillmore and Hayes streets (directly across the street from 701 Fillmore)
Fillmore and Grove streets
Fillmore between Hayes and Grove streets (less than 100 feet away)
Hayes and Webster streets
- "3) Residential institutions for the rehabilitation of alcoholics are located in the immediate vicinity as follows:
Ohlhoff House (Episcopalian)--601 Steiner street
Friendship House (American Indians)--820 Steiner street
Serenity House (Roman Catholic priests)--1100 block of Fulton street
Reality House (detoxication center for heroin addicts)--Steiner and Fell streets

"We ask for these reasons that this permit for conditional use be denied. In addition, we ask that you acknowledge receipt of this letter and notify us of your actions in this matter."

Mr. Passmore stated that the Commission had also received a letter from Edward Estreito, owner of properties at 630 Fillmore Street and 716 Fillmore Street, objecting to the proposed use for reasons similar to those which had been cited by Mr. Callister in his letter.

Mr. Passmore stated that the staff of City Planning had investigated the types of controls which might be available to control uses such as the one proposed. Although the neighborhood was the subject of a Federally Assisted Code Enforcement (FACE) Program, any controls which would have been established

during the course of that program would not apply to commercial uses. The proposed use would also require that a license be obtained from the State Alcoholic Beverage Commission; and such a license had not been approved. A local representative of that agency had advised the staff of the Department of City Planning that concerned citizens of the neighborhood could file protests which would be considered by his office. The application for the license could be disapproved if it is determined that there is an over-concentration of such uses in the area, if the particular location of the proposed use would create a problem, or if the area in which the use is to be located has been identified as a problem area by the Alcoholic Beverage Commission or the local Police Department. Since the individuals who had expressed concern about the proposed use had addressed themselves to the issue of the use itself and not to the construction which would make the use possible, he felt that the requests for discretionary review should be denied and that the concerned residents of the neighborhood should be encouraged to file protests with the Alcoholic Beverage Commission which has jurisdiction over the issuance of licenses for the sale of liquor. At the same time, he suggested that the Commission might wish to write a letter of its own to the Alcoholic Beverage Commission to express its concern about the proposed use.

Commissioner Dearman stated that she agreed with the recommendation which had been made by Mr. Passmore and indicated that she felt that the Commission should address a letter to the Alcoholic Beverage Commission to express its concern about the proposed use.

Lou Gage, a former president of the Alamo Square Association, stated that residents of the area are making an effort to upgrade their neighborhood; and, while he would not be opposed to a new grocery if it were needed, he felt that it was clear that there is no need for two grocery stores at the same intersection both which would be engaged in the sale of liquor. He believed that the proposed use would have a detrimental effect on the neighborhood.

Peter Witmer, also a former president of the Alamo Square Association, remarked that liquor stores are usually open until 2:00 a.m. and generate a great deal of traffic and disruption; and he felt that installation of the proposed store would hurt the neighborhood. He suggested that the Commission defer its decision on the discretionary review matter until such time as the Alcoholic Beverage Commission has made its decision; and, in any case, he stated that he was concerned about the fact that construction on the subject site has apparently proceeded even in the absence of a building permit. While the building is boarded on the outside, the doors are open when people are working in the building; and residents of the neighborhood had observed that equipment was being moved into the building. He also remarked that the applicant had not posted a notice of his application for a liquor license for the proper length of time.

Commissioner Rosenblatt asked if steps could be taken to insure that construction work is not undertaken without valid building permits. Mr. Passmore replied that the Department of Public Works can assess property owners for

work which has been done without benefit of permit. However, the Board of Permit Appeals had traditionally overturned such assessments; and, as a result, the Department of Public Works has tended to dispense with the assessments. He stated that he would discuss this matter with Mr. Levy of the Bureau of Building Inspection.

Commissioner Rosenblatt noted that the applicant was not present at the meeting room and asked if the staff had any explanation for his absence. Mr. Passmore replied in the negative.

At this point in the proceedings, Commissioner Boas absented himself from the meeting room for the remainder of the meeting.

Commissioner Bierman asked if the proposed grocery store would be subject to termination as a nonconforming use in 1980. Mr. Passmore replied that the use would automatically terminate in 1980 unless a continuance were authorized by the City Planning Commission.

Commissioner Finn asked about previous uses of the building. Mr. Passmore stated that the building is presently vacant. Previously, it housed a junk store, which was an illegal use. Prior to that, it was the site of the FACE area office.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the request for discretionary review be denied in recognition of the fact that the State Alcoholic Beverage Commission has jurisdiction over the issuance of licenses for the sale of liquor. The Commission also requested that a letter be sent to the Alcoholic Beverage Commission expressing its concern about the proposed use of the subject site.

7M75.11 - PROPERTY TO THE WEST OF RICKARD STREET AND TO THE REAR OF PARCELS FROM 142 TO 198 GAVEN STREET.

M-1 TO AN R-1 OR OTHER APPROPRIATE DISTRICT.

(CONTINUED FROM MEETING OF JULY 1, 1976.)

Robert Passmore, Planner V (Zoning), remarked that the over-powering visual effect of the elevated southern freeway inter-change and the high level of traffic noise generated on the freeway would make residential use of the subject property undesirable. Consideration had been given to the possibility of using the property for recreational purposes; however, the Park Renovation and Open Space Citizens Advisory Committee, after duly noticed public hearings, had not recommended the acquisition of the property by the City for park purposes. Therefore, he recommended that the application for reclassification of the property for residential use be disapproved. He noted, however, that the City Planning Commission had adopted a policy of discretionary review of any proposed use of the property; and he indicated that the discretionary review procedure would allow for neighborhood response concerning any proposed development of the site and would enable the Commission

to mitigate any adverse affects which might occur along the southern property line adjacent to residential property.

After discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7634 be adopted and that the subject application be disapproved.

CONSIDERATION OF DEPARTMENT OF CITY PLANNING PROPOSED WORK PROGRAM
AND BUDGET FOR FISCAL YEAR 1977-78.

The Secretary reviewed changes which had been made in the proposed budget in accordance with suggestions made by members of the Commission during the Special Meeting which was held on December 22.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the proposed Work Program and Budget for Fiscal Year 1977-78 be approved.

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SF
CSS
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DOCUMENTS

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CITY PLANNING COMMISSION

Minutes of the Special Meeting held jointly with the Recreation and Park Commission on Friday, January 7, 1977.

The City Planning Commission met pursuant to notice and jointly with the Recreation and Park Commission on Friday, January 7, 1977, at 4:00 P.M. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

Commissioners Armstrong, Friend, Harris, LaGarda, Meyer and Sabella, members of the Recreation and Park Commission.

1. PRESENTATION OF REPORT ON OPEN SPACE ACQUISITION AND PARK RENOVATION PROGRAM BY GENERAL MANAGER, RECREATION AND PARK DEPARTMENT.
2. CONSIDERATION OF PROPOSED AMENDMENTS TO THE RECREATION AND OPEN SPACE ELEMENT OF THE MASTER PLAN.
3. CONSIDERATION OF THE PROPOSED OPEN SPACE ACQUISITION AND PARK RENOVATIONS PROGRAM FOR CALENDAR YEAR 1977.

Following introductory remarks by Eugene L. Friend, President of the Recreation and Park Commission, and Gordon J. Lau, President of the City Planning Commission, John J. Spring, General Manager of the Recreation and Park Department presented and summarized his report on the Open Space Acquisition and Park Renovation Fund. The following summary of the program recommendations for next year was included in the report:

"SUMMARY OF PROGRAM RECOMMENDATIONS FOR FISCAL YEAR 1977-78"

The sums cited in this report are approximations which will be refined during land acquisition procedures and during preparation of development and renovation plans. The total sum is within the projection of revenue provided by the Controller.

"1. Acquisition of Hilltops, Waterfront Areas, and Other Open Spaces - Estimated Budget: \$820,000"

A. Hilltops

- (a) Four lots in Diamond Heights
- (b) Duncan and Castro Street Property

- (c) Golden Gate Heights Property - 9 lots
- (d) Seward Street Park Extension - 1 lot
- (e) 1340 Clay Street Property

B. Waterfront

- (a) Property at the foot of Columbus Avenue
- (b) Four Porta-Parks for Embarcadero

C. Other Open Spaces

- (a) Planning and Phase I Development of Kellogg-Velasco Site
- (b) Planning and Design of Lathrop-Tocoloma Site
- (c) Transfer of property at western boundary of Rickard Street site from Department of Public Works to Recreation and Park Department

"II. Acquisition and Development of New Facilities in High-Need Neighborhoods - Estimated Budget:
\$1,425,000

CHINATOWN: Balance of Churchill Alley site
(recommended for purchase in FY 1975-76)

CENTRAL

CITY: Acquisition of a park site adjacent to or near the proposed Senior Citizens Center

MISSION: Acquisition of a site for future development of a gymnasium in the Central Mission

Acquisition of the mini park site commonly known as 'Juri Commons'

Planning, design, demolition at the Knudsen/Blum site

"III. Renovation - Estimated Budget: \$750,000

- | | |
|----------------------------|-----------|
| (a) Alamo Square* | \$100,000 |
| (b) Buena Vista Park | 100,000 |
| (c) Douglas Playgroud | 10,000 |
| (d) Eureka Valley | 65,000 |
| (e) Excelsior Playground* | 40,000 |
| (f) Helen Wills - Phase II | 70,000 |
| (g) Holly Park | 75,000 |

(h) Julius Kahn	50,000
(i) Portola Playground*	60,000
(j) Potrero Hill Playground*	50,000
(k) Rossi Playground	100,000
Contingency Reserve	30,000

\$750,000

(*Originally recommended for funding through Community Development Program, but deleted by San Francisco Board of Supervisors.)

"IV. Administration and Maintenance: \$110,000"

Thomas Malloy, Executive Assistant to the General Manager of the Recreation and Park Department, delivered a progress report on the scope of the Open Space Program to date. The progress report is included in the General Manager's report which is available at the Recreation and Park Department.

Diane Hunter and Anne Halsted, Chairpersons of the Citizens Advisory Committee, urged that the recommended program for the next year be approved by both Commissions.

The following individuals expressed appreciation to the Citizens Advisory Committee for its work and endorsed the recommendations which had been made by the Committee: Naomi de Gracia, representing the Tenderloin Agencies Council; Maria Galatti, representing Friends of Noe Valley; Terry Covert, representing the Nob Hill Neighbors; Gladys Elkus, representing the Golden Gate Heights Association; Elaine Tisell, a private citizen; Effie Schwarzschild, representing the Eureka Valley Promotion Association; and George Dobel, representing the Golden Gate Heights Association.

Alfred King, Edmond Mullins, Pat O'Callaghan, Joseph Lafferty, and Jim McLenn spoke in opposition to the proposal to acquire the site commonly known as "Juri Commons" for a mini-park. The property in question is a former Southern Pacific right-of-way which cuts diagonally through the block bounded by San Jose Avenue, 25th Street, Guerrero Street, and 26th Street. Mr. King felt that the proposed mini-park would be a common nuisance and would cause problems for abutting property owners; and he advised the Commission that 33 owners of property from the immediate vicinity were opposed to the proposal. He stated that the owner of the property had intended to construct apartments on the site; and he felt that the property should be developed instead of being removed from the tax rolls. Mr. Mullins stated that he owns four

pieces of property on Juri Street; and he indicated that he had never received any notices of meetings at which public acquisition of the Juri Commons was to be discussed. He advised the Commission that he knew of at least 16 people who were opposed to the proposal. Mr. Lafferty stated that his bedroom window is located only 10 feet from the Juri Commons; and he did not feel that the property would be appropriate for park use. He also remarked that there is a great deal of vandalism in the area. Mr. McLenn who represented the owners of the Juri Commons property, stated that they were already in the process of drawing up plans for the new apartments which they hoped to construct. They had not been notified of the City's interest in the property until the previous day. While he felt that his clients would be willing to do whatever the city wants, he felt they should have been notified of the City's interest at an earlier date. Mr. O'Callaghan stated that no one in the neighborhood had been notified that the City was considering acquisition of the property; and he stated that a petition which had been circulated in 1975 had been signed by most of the property owners in the area to express their opposition to any recreational use of the property.

Mr. Spring stated that public notice is given of hearings which are held by the Citizens Advisory Committee; however, since the purpose of the hearings is to receive suggestions as to which sites should be considered for acquisition, it is not possible to forecast which properties will be discussed. Therefore, it would be impossible to give notice to surrounding property owners in advance.

Cora Golder, representing the San Jose Avenue Block Club, and Toby Levine, representing the Mission Planning Council, spoke in favor of acquiring the Juri Commons site. Ms. Golder stated that there had been a great deal of citizen involvement in preparing plans for the acquisition of the Juri Commons site; and the energy which had been put forth at the grassroots level had resulted in the awarding of a Bicentennial award to her organization. Unfortunately, people who are opposed to acquisition of the property for park purposes had not attended the many meetings which had been held. She stated that the property is located in a middle-income neighborhood which has many families with children; and she felt that the proposed mini-park would encourage those families to remain in the area. Ms. Levine advised the Commission that the Juri Commons has several large trees; and, because of the narrowness of the property, any development of the site for other than recreational use would probably result in removal of the trees. Furthermore, she believed that it would be difficult to develop the site with any significant number of apartments because the layout of the property would make it difficult to fulfill the off-street parking requirements of the City Planning Code for any sizeable apartment

project. She felt that the property would be ideally suited for use as a park; and she pointed out that there are no park facilities for children in the immediate area. She also believed that development of a park on the site would help to keep families with children in the neighborhood. Therefore, she urged that both Commissions support the recommendation for acquisition of the property. In conclusion, she stated that the owners of the Juri Commons site had been contacted last year by the Trust for Public Lands which would have been interested in purchasing the property if the price had not been impossibly inflated; and, as a result, the owners must have been aware that there was a public interest in the property.

Mike Dotterweich and Gwen Sandvich spoke in opposition to the proposal to acquire property at Castro and Duncan Streets for open space purposes. Mr. Dotterweich stated that he had planned to build a condominium apartment building on the property. The residents of the neighborhood had opposed the proposal and had requested the City Planning Commission to undertake a discretionary review of the project. The discretionary review hearing was held in October, 1976. At that time, the Commission noted that the residents of the neighborhood had proposed that the property be acquired for open space. However, the recommendations of the Citizens Advisory Committee would not be available until after January 1, 1977; and, since the property is not located in a high need neighborhood, he had not felt that the property would be recommended for acquisition. After considering the negative declaration which had been issued by the staff of the Department of City Planning, the Commission had determined that the development of the property would not have a deleterious effect on the neighborhood and had approved the building permit application subject to specific conditions. Subsequently, without receiving testimony from himself or the owner of the property, the Citizens Advisory Committee had decided to recommend that the property be acquired for open space purposes. He remarked that there are no trees or flowers on the site. Vehicular circulation in the area is difficult; and the undeveloped portion of the Castro Street right-of-way immediately adjacent to the site provides adequate open space for residents of the area. The 12 dwelling units which he proposed to construct would provide the City with \$26,922 in tax revenues annually; and he did not feel that it would be in the best interests of the city to acquire the property for park purposes merely to satisfy the selfish interests of a few residents of the neighborhood who wish to stop this project. Mrs. Sandvich, owner of the property at Castro and Duncan Streets, submitted a map of the neighborhood which indicated that there are 16 other vacant parcels of property in the area. She stated that she had entered an agreement with Mr. Dotterweich in February, 1976, to construct an apartment complex on the property. She felt that the property would be ideal for apartments; however, because it is windy and barren, she felt that it would not be desirable

for open space. The main attribute of the property is that it has a wonderful view of downtown San Francisco. She emphasized that money had already been spent to prepare plans for development of the property; and she felt that she would be put in a difficult financial situation if the property were to be acquired by the City at this late date.

Mr. Spring advised Mrs. Sandvich that the City is required to pay full market value for properties which it acquires; and, when transactions for acquisition are taking place, the owners may seek redress for any expenditures which may have been made for building plans or site preparation.

Evelyn Martin, Barbara Francisco, and John Lucid spoke in favor of the proposal to acquire the site at Castro and Duncan Streets for open space purposes. Ms. Martin recognized that the owners of the property have owned it for many years; however, she believed that residents of the neighborhood also have a financial interest in the matter. She felt that acquisition of the property for open space purposes would help to encourage middle-class families to remain in the city. She also believed that anyone who would look at the matter objectively would reach the conclusion that the property should be a park. Ms. Francisco stated that she had had no idea that the owner of the property would be opposed to the proposal to acquire the property for open space purposes. She had conducted a survey of the area and had found that there was a great deal of support for the proposed acquisition; and she advised the Commission that many people have come to the property to enjoy the view. Mr. Lucid stated that he and all of his neighbors were in favor of acquiring the property for open space purposes.

Bert Schwarzschild remarked that a few people were apprehensive when the Seward Street park was first proposed. While a few individuals still objected to the park, residents of the neighborhood have participated in activities related to maintenance and improvement of the park; and he felt that most of the residents of the neighborhood enjoy the park. He hoped that the Seward Street experience would give some encouragement to people who live in the vicinity of the Juri Commons. In conclusion, he stated that he was glad to live in the City where so many voters had had the vision necessary to approve the Charter Amendment which had made the Open Space Acquisition Program possible.

Carlos Navarro, representing the Mission Neighborhood Physical Development Corporation, stated that high percentage of the residents of the Mission District are less than 21 years of age; and, as a result, there is a real need for a gymnasium in the neighborhood. Therefore, he urged the joint Commissions to approve the Citizens Advisory Committee's recommendation that a site be acquired for future development of a gymnasium in the Central Mission District.

Robert L. Henn, representing an informal group of residents and businesses, advised the joint Commissions that there was a great deal of support for acquisition of property for the proposed Joseph Conrad Square in the triangular area at the end of Columbus Avenue where it intersects with Beach Street. He remarked that that property is in a prominent location; and he felt that the proposed park would be a more appropriate use of the property than the five story office building which is presently being contemplated. He stated that he had written a letter to the members of both Commissions urging that immediate action be taken to acquire that property.

At the conclusion of the public hearing, the City Planning Commission considered a report which had been prepared by the staff of the Department of City Planning concerning proposed amendment of the recreation and open space element of the Master Plan. That memorandum read as follows:

"The open Space/Park Renovation Citizens Advisory Committee has identified a group of vacant sites which have received wide-spread community support for preservation as public open space in their 1977 acquisition recommendations. These sites are, (A) Four parcels in Diamond Heights Redevelopment Area, (B) the North-East corner of Duncan and Castro, (C) North-West corner of Noriega Street and 15th Avenue in Golden Gate Heights, (D) Seward mini-park expansion uphill to Corwin Street, (E) Boylston Street right of way and four adjoining parcels north of Gaven Street.

"(A) Four Parcels in Diamond Heights

The Redevelopment Agency has four sites which are undevelopable or only marginally developable which have value as open space. The agency has offered to sell them for \$100.00 apiece.

1. End of Craggs Court (Block 7523, lot 102): This half acre lot provides access to Glen Canyon Park, which abuts it on the south west and north west. The southerly portion of the lot is being used as a community garden.

2. East side of Diamond Street, Valley to 29th Streets (Block 7636, Lot 18), 0.8 acres. This very steep site forms a bowl and enjoys a panoramic vista of the East Bay. The Agency has planted some Monterey pines and other natives on the site. In a good year the site has a noteworthy display of spring wildflowers.

3. South side of Everson Street west of Digby Street (Block 7543, Lots 25, 26, 27, 28, 32), 1.2 acres. This is a large sloping terrace with sweeping vistas to the south and west. Because of the gentleness of the terrain and the lack of vegetation the site would lend itself to active recreational development if there is a need. It appears that most vegetation and top soil may have been removed when the area was graded.

4. Slope along Diamond Heights Boulevard, opposite Diamond Street (Block 7533, Lot 101), 1 acre. This is a steep unstable hillside ascending to Topaz Way. It has potential for native plant display similar to the Valley - 29th Street site but is too steep for access except at the top along Topaz Way.

"(B) North-East Corner of Duncan & Castro

This corner (Block 6590, Lots 24-29), 0.34 acres, is the northerly part of a promotory summit below Diamond Heights and enjoys the same northeasterly vista of the City. It has a gentle slope and little vegetation and lends itself to development for passive use and/or naturalistic landscaping of a minimal nature. The site was the subject of discretionary review by the City Planning Commission in 1976.

"(C) Seward Mini-Park Extension (Block 2714 Lot 8)

The existing mini-park alongside Acme Alley extends halfway up the block. The proposed expansion would extend the park to Corwin Street, and would more than double its size by adding a quarter acre. The parcel has a more gradual slope than the lower portion and overlooks Seward Street houses to a panorama of downtown and the bay. The site has potential for supplementing the imaginative play facilities of the lower site as well as vista gazing.

"(E) 1340 Clay Street (Block 215 Lot 3)

This 9.28 acre vacant lot adjoins the Comstock apartment building at Clay and Jones Streets. Approximately one third of the site is a hilltop which, with selective pruning of the trees on its periphery, may enjoy some vistas to the west and south over the roofs of adjoining low rise buildings. The remainder of the site is a steep wooded slope down to Clay Street. Access is difficult but could be developed along the Priest Street (easterly) edge of the parcel. While

the site does not enjoy panoramic vistas, its elevation provides a sunny location even on winter afternoons.

"(F) Boylston and Gaven Streets

The site is an aggregate of parcels (Block 5847 Lots 44 and 47 and portions of Lots 42 and 43) and the right of way of Boylston Street north of Gaven. The right of way adjoins Montessori School to the west and north, and a water department parcel to the east. Abutting the latter is a land-locked State owned parcel, (surplus to the Southern Embarcadero Freeway) which was deeded to the State when Islais Creek Channel was vacated. Similarly, the residential parcels to the east of the Water department land were given half of the Channels width as part of the vacation. These rear yards are unused and virtually inaccessible because the land drops sharply immediately behind the houses.

Together these parcels constitute approximately 3/4 of an acre. The flat and bare upper portion fronting along Gaven Street lends itself to active recreational development and could perhaps be integrated with the school's playground facilities. The lower portion is partly landscaped close to the freeway and has some native vegetation and would lend itself to passive uses and more naturalistic landscaping. Two massive water pipes run in a depression through part of this area. Adjoining the lower portions is a 2.5 acre site owned by the Housing Authority. It is zoned M-1 and is currently for sale. There may be potential for expansion on the park on a part of that site in the future, but the Authority wishes to sell it in one piece. The Citizens Committee did not feel it could devote funds to a project of such magnitude at this time.

"Conclusion

The staff recommends, for the Commission's consideration, that the Recreation and Open Space Element be amended to designate these sites for proposed public recreational use.

The Recreation and Open Space Element, adopted by the Commission on May 24, 1973, contains a 'Citywide Recreation and Open Space Plan' map on which specific sites throughout the City are designated for acquisition or conversion to public recreational use. It is recommended that the Commission amend this plan map to include the sites described above."

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7635 be adopted and that the Recreation and Open Space Element of the Master Plan of the City and County of San Francisco be amended as recommended in the memorandum which had been prepared by the staff of the Department of City Planning.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7636 be adopted and that the proposed Open Space and Park Renovation Program for calendar year 1977, as recommended by the General Manager of the Recreation and Park Department, be approved.

Subsequently, it was moved by Commissioner Harris, seconded by Commissioner Meyer and carried unanimously that the proposed Open Space Acquisition and Park Renovation Program for calendar year 1977, as recommended by the General Manager of the Recreation and Park Department, be approved by the Recreation and Park Commission.

The meeting was adjourned at 5:50 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO

CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 13, 1977

The City Planning Commission met pursuant to notice on Thursday, January 13, 1977, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Peter Svirskey, Planner V (Zoning); Alec Bash, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Wayne Rieke, Planner IV (Zoning); Audrey Owen, Staff Assistant III; Dave Fulton, Planner II; James Hirsch, Planner II; William O'ran, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

The Secretary reported that a letter had been received from John Curran Ladd, owner of property at 364-366 Eureka Street, questioning whether the minutes of the meeting of December 16, accurately reflected the action which was taken by the Commission on Application CU76.42. Mr. Ladd believed that the Commission had modified the draft resolution which had been prepared by the staff to eliminate a requirement that the children attending the San Francisco Infant School be kept indoors each afternoon after 4:00 p.m. The Secretary stated that a letter had also been received from William Sullivan, an adjacent property owner, who felt that the requirement for keeping the children indoors after 4:00 p.m. would make the use less objectionable.

Commissioner Bierman, who had proposed modification of the draft resolution which had been prepared by the staff and had moved adoption of the amended resolution, stated that it had been her intention to retain the condition requiring that the children be kept indoors after 4:00 p.m. Commissioner Dearman felt that the condition would be impossible to enforce; and she believed that it should be deleted from the resolution.

The Secretary stated that clerical errors were being corrected in all of the minutes which were before the Commission for approval.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried 6 to 1 that the minutes of the meeting of December 16, 1976, be approved with clerical corrections but that the report of the action taken by the Commission on Conditional Use Application No. 76.42 remain unchanged. Commissioner Bierman, Elliott, Finn, Lau, Rosenblatt, and Starbuck voted "aye"; Commissioner Dearman voted "no".

Subsequently, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the minutes of the meetings of October 14 and 28, November 4 and 18, and December 22, 1976, be approved with corrections.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning; reminded the Commission of the Special Meeting scheduled next Wednesday evening, January 19, at the Commodore Stockton School, 950 Clay Street, between Stockton and Powell Streets. Commissioner Rosenblatt requested that the meeting start at 7:00 p.m.

The Director reported that the Board of Permit Appeals, meeting on Wednesday night, had voted to confer with the staff of the Department of City Planning on one case and to vote against the staff's position in two instances.

The Director stated that he had met with the Mayor and members of the Board of Permit Appeals on Tuesday afternoon to discuss time limits for the preparations of written decisions. A follow-up meeting will be held on Friday morning, January 14. Since members of the Board of Permit Appeals had attended the previous meeting, he requested members of the Commission to join him at the Friday morning meeting. Commissioner Starbuck stated that he would attend the meeting.

The Director reported that an action had been filed in Superior Court to stop an alteration of the Bell Smoked Fish Company at 490 Jefferson Street which would involve an encroachment of 10 feet into the sidewalk area. The Commission will be represented by the City Attorney in this matter.

The Director advised the Commission that the Acting Director of the Redevelopment Agency had replied to a letter which he had written suggesting improved procedures between that agency and the Department of City Planning relative to environmental review matters. However, given the nature of the response, further discussion of this matter will be required.

The Director announced that an appeal by Pets Unlimited of the Commission's revocation of authorization for a kennel at Fillmore and Washington Streets will be considered by the Board of Supervisors on Monday, January 17, at 2:00 p.m., providing that all members of the Board are present.

The Director stated that the Board of Supervisors had asked the Commission to consider and comment on an ordinance which has been drafted by the City Attorney to amend the City Planning and Police Codes to provide for the licensing of adult book stores and requiring that all new adult theaters and book stores locate more than 1,000 feet from a residentially zoned district. Members of the Board had requested that the matter be considered by the Commission before the next meeting of the Planning, Housing, and Development Committee on January 18; however, because of legal advertising requirements, the earliest date on which the matter could be considered would be February 10. Although the staff would not be able to do a thorough analysis of the legislation by that date, he indicated that the matter could be calendared for consideration on that date if the Commission so desired. The Commission requested that matter be calendared for consideration on February 10.

The Director reported that the Port Commission had endorsed the revised Northeastern Waterfront Plan.

The Director announced that the Department of City Planning may receive a grant from the National Endowment for the Arts for work related to the Residential Zoning Study.

Robert Passmore, Planner V (Zoning), indicated that the staff will be making monthly progress reports to the Commission on work accomplished.

Mark Winogrand, Planner II, noted that the Commission, in initiating the Residential Zoning Study standards on May 20, 1976, had requested that any projects which would utilize the transferable open space provisions of the new zoning standards be brought before the Commission for review. He indicated that the plans for a project at 190 Boutwell had been received and reviewed by the staff; and unless there were any objections from the Commission, the staff intended to approve the project. After he had reviewed the plans for the proposed project, members of the Commission indicated that they had no objection to the proposal.

Commissioner Starbuck stated San Francisco Tomorrow had requested that the Commission's consideration of proposed amendments to the Article 31 of the Administrative Code, originally scheduled for January 20, be postponed. He therefore moved that the consideration of the proposed amendments be postponed until the meeting of January 27. The motion was seconded by Commissioner Bierman and carried unanimously.

CONSIDERATION OF PROPOSALS FOR TRANSIT FINANCING

Dave Fulton, Planner II, distributed copies of the draft resolution which read as follows:

"WHEREAS, The City and County of San Francisco, which maintains the highest per capita local support for transit in the Bay Area, faces severe revenue constraints and finds it difficult to

"divert a larger percentage of its general fund revenues for transit; and

"WHEREAS, Alameda/Contra Costa Transit (AC Transit), Bay Area Rapid Transit (BART) and San Francisco Municipal Railway (Muni) are faced with short and long range funding deficits, such that growth in operating revenues and existing outside funding sources cannot be expected to keep pace with the growth in anticipated operating expenses; and

"WHEREAS, The State Legislature in extending the BART $\frac{1}{2}\%$ sales tax to June 1978 in AB 3785 also called on the Metropolitan Transportation Commission to undertake a study of the financial needs of transit in San Francisco, Contra Costa and Alameda Counties and to recommend sources of funds to meet these needs; and

"WHEREAS, The Board of Supervisors on August 16, 1976, called on the Public Utilities Commission and the City Planning Department to undertake a similar study for the City and County of San Francisco; and

"WHEREAS, MTC has completed its study and on December 15, 1976, adopted its final recommendations including among other things:

"1. Extension of the $\frac{1}{2}\%$ sales tax for BART.

"2. Increasing tolls to \$1.00 on the Bay, Dumbarton and San Mateo Bridges for allocation to BART, AC Transit and Muni; and

"WHEREAS, These recommendations if adopted would provide needed revenues for transit, but they would not provide an adequate level of funding for all three transit operators, BART, AC Transit and Muni, in the period from 1977 to 1981; and

"WHEREAS, There is a need to address the financial inequities that San Francisco experiences as a result of:

"1. The fact that San Francisco with its commitment to transit has had to pay for its transportation system mostly on its own while the suburban counties of the region, having committed themselves to an automobile transportation system, have had the cost paid for with State and Federal Highway Trust funds.

"2. The fact that more than 10% of Muni's and BART's riders come from outside the area where taxes are paid to support Muni and BART.

"3. The fact that BART is currently funded at a much higher level than AC Transit or Muni; and

"WHEREAS, MTC has proposed significant increases in its discretionary power over the allocation of transportation monies without specifying criteria by which this discretion is to be exercised;

"NOW THEREFORE BE IT RESOLVED, That this Commission supports an extension of the $\frac{1}{2}\%$ sales tax; and

"BE IT FURTHER RESOLVED, That this Commission supports the MTC proposal on equalizing of tolls on the Oakland-Bay, Dumbarton and San Mateo Bridges, and urges that if changes in the toll structure take place they should reflect higher charges for peak period use; and

"BE IT FURTHER RESOLVED, That allocation of these funds should occur as follows:

"1. The $\frac{1}{2}\%$ sales tax revenues should be allocated first to BART to bring it up to a level of parity with Muni and AC Transit in terms of the amount of funds Muni and AC receive from ad valorem taxes and revenue sharing funds, and thereafter the three systems should share in the remaining sales tax revenues.

"2. Remaining sales tax revenues along with revenues from the above mentioned bridge toll increase, and monies available to San Francisco, Contra Costa and Alameda Counties from the Transportation Development Act should comprise a fund to be allocated to BART, AC and Muni.

"3. Allocation of such a fund should be done on the basis of a formula that takes into account service provided, patronage, population, population density, median income and the amount of per capita transportation investment provided; and

"BE IT FURTHER RESOLVED, That this Commission recommend that current limitations on the use of bridge toll revenues and Transit Development Act funds for

"transit operations be removed; and

"BE IT FURTHER RESOLVED, That this Commission supports the alternative sources of revenue proposed by MTC for funding mass transit to be obtained by increasing the in lieu tax on motor vehicles, making a part of the state gasoline tax available, and allocating revenues from tidelines oil receipts for transit; and

"BE IT FURTHER RESOLVED, That in addition to the three-county fund described above that there be a Regional transit fund comprised of revenues from a regionwide revenue source, revenues available to the various Bay Area counties from the federal government for transit operating assistance, and any new state funds that might be made available; such fund to be allocated to the transit operators of the region on the basis of a formula taking into account:

"1. The number of out of service area riders carried by an operator.

"2. Need for transit within the service area as measured by population, population density and median income.

"3. Past subsidy by federal and state government for the provision and operation of transportation facilities in the service area.

"4. Level and efficiency of transit service provided as measured by patronage and vehicle hours provided, and

"5. Commitment of local funds to transit in an operator's service area; and

"BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to the Board of Supervisors for its consideration."

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7637.

RS76.19 - PUBLIC HEARING ON TENTATIVE MAP FOR A 26-UNIT CONDOMINIUM
SUBDIVISION ON TOPAZ WAY.

Alec Bash, City Planning Coordinator, reported that 28 units are being constructed on two sites on Topaz Way on the east side of Diamond Heights; and the applicant was proposing to sell the dwelling units as townhouse condominiums. He indicated that the property between the two sites is presently under Re-development Agency ownership but has been recommended for acquisition under the Proposition J 1977 Open Space Acquisition Program. He recommended that the proposed condominium subdivision be approved as consistent with the Master Plan subject to the following conditions:

"1. The subdivider shall install street trees on Topaz Way, and shall landscape and provide for the maintenance of the exposed slope above Diamond Heights Boulevard in a manner complementary to such landscaping as may be installed on the adjacent public open space.

"2. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code."

President Lau asked if anyone were present in the audience who wished to speak in opposition to the condominium subdivision proposal and received a negative response.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7638 be adopted approving the proposed condominium subdivision as being consistent with the Master Plan subject to the conditions which had been recommended by Mr. Bash.

R76.34 - SALE OF EASEMENT RIGHTS ON CLIPPER STREET, FIVE-FOOT STRIP
ON NORTH SIDE.

(CONTINUED FROM MEETING OF DECEMBER 16, 1976)

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"The proposal is to sell easement rights on a strip of City property five feet in width on the north side of Clipper Street, adjacent to Clipper Terrace subdivision. The property is a remnant of the Clipper Street widening project, and was retained by the City to prevent vehicular access along that portion of Clipper Street. Property on either side is steeply sloping, with major views to the north and east.

"The request for easement rights is to permit the subdivider of the abutting subdivision, San Pichey, to utilize the five-foot strip for landscaping, an irrigation system, extending the width of a driveway, steps with handrails, and possibly terracing. Technically, it involves rights of land-

scaping, paving and utilities; light, air and view; and pedestrian access. In April of this year, the City Planning Commission found that sale of this land was not in conformity with the Master Plan, as it would jeopardize the control of the City over development on adjoining parcels; use of the revocable encroachment process was recommended for fulfilling the project objectives at that time, which were identical to those described above.

"The Urban Design Element, in Conservation Policy 9, calls for no release of street area which would result in reduction of open space which might feasibly be used for public landscaping, or enlargement of property that would result in additional dwelling units. Although technically not street area, this five-foot strip is immediately adjacent to street area and functions in much the same manner with respect to criteria of this policy. The adjoining subdivision was found by the Planning Commission in October, 1975, to be in conformity with the Master Plan, and development now under construction is pursuant to that subdivision; extensive landscaping has been proposed.

"The Recreation and Open Space Element, in Citywide System Policy No. 1, calls for evaluating surplus public land for its usefulness for a number of public uses, including open space. Sale of easement rights would retain the property as public property, while allowing certain limited uses."

No one was present to speak in opposition to this proposal.

Mr. Bash recommended that the sale of the easement rights be approved as in conformity with the Master Plan provided that vehicular access to Clipper Street over or across the easement is expressly forbidden and that the southern half of the easement be used for landscaping except for limited pedestrian access.

Commissioner Starbuck asked if there were any way in which the requirement for landscaping could be enforced. Mr. Bash replied that the Real Estate Department, in formalizing the sale of the easement rights, would establish the conditions which were being recommended.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried unanimously that the Director be authorized to report that the sale of the easement rights for property on Clipper Street, north side, Lot 19 in Assessor's Block 6542, is in conformity with the Master Plan, provided that the vehicular access to Clipper Street over or across said easement is expressly forbidden, and that the southern half of the easement be used for landscaping except for limited pedestrian access.

R75.1 - SALE OF FIRE HOUSE PROPERTY AT 117 BROAD STREET.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to sell a fire house at 117 Broad Street, Lot 41 in Assessor's Block 7113, which has been declared surplus to the Fire Department's needs. The rectangular parcel has an area of 3125 square feet, and is developed with a vacant, somewhat deteriorated two-story fire house with a tower. The block is within a two-family district, but includes a Salvation Army building and public library, and commercial development at the corner on Plymouth Avenue.

"The Recreation and Open Space Element of the Master Plan, in Citywide System Policy No. 1, states that when public land becomes surplus to one public use, it should be re-examined to determine what other uses would best serve public needs, with priority to direct public use that meet either immediate or long-term public needs. The Department has worked with the neighborhood in the vicinity of the property in evaluating the suitability of other public uses for the property. The Ocean View-Merced Heights-Ingleside area is a high priority community in terms of location of new neighborhood centers, and the subject property initially showed some potential in that respect. Further review over the course of time, however, has not produced any feasible proposals for use of the building or site for that or other purposes, and sale of the property at auction appears appropriate."

Mr. Bash recommended that the sale of the property be approved as in conformity with the Master Plan.

No one was present to speak in opposition to this proposal.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the Director be authorized to report that the sale of property at 117 Broad Street, Lot 41 in Assessor's Block 7133, is in conformity with the Master Plan.

R76.37 - VACATION OF KIRKWOOD AVENUE WITHIN RAILWAY RIGHT-
OF-WAY, WEST OF QUINT STREET.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to vacate an isolated portion of Kirkwood Avenue, approximately 2750 square feet in area, to the Southern Pacific Transportation Company. This portion of Kirkwood Avenue is undeveloped, and is the last remaining portion of the street's right-of-way between the Southern Pacific main line tracks and Quint Street; it is within the right-of-way used by the railroad tracks. The Southern Pacific Transportation Company had requested the vacation in connection with other actions involving the expansion of the Southeast Water Pollution Control Plant, and would acquire the property."

"The Urban Design Element, in Conservation Policy 9, states that release of street space may be considered favorably when in furtherance of an industrial project, and where necessary for a significant public or semi-public use, where strong justification exists for the use of the street space. This portion of Kirkwood Avenue is and has functioned as railway space, and clearing title to this property would be desirable as part of the Southeast Plant expansion. None of the negative criteria in Policy 9 are violated, nor would any action short of vacation be appropriate."

Mr. Bash recommended that the vacation of the subject portion of Kirkwood Avenue be approved as in conformity with the Master Plan.

No one was present to speak in opposition to this proposal.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Elliott, and carried unanimously that the Director be authorized to report that the vacation of a portion of Kirkwood Avenue within the railway right-of-way westerly of Quint Street, as shown on Bureau of Engineering Plan SUR-1976, is in conformity with the Master Plan.

R76.39 - SALE OF PROPERTY ON ALEMANY BOULEVARD, EAST OF LAMARTINE
STREET MINIPARK.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to sell Department of Public Works property on Alemany Boulevard, a portion of Lot 74 in Assessor's Block 6786, which has been declared surplus to DPW's needs. The property is a triangular-shaped parcel of approximately 38 square feet and 28 feet in length, and has the appearance of being within the fences of the abutting properties. It is to the east of a mini-park developed in the extended right-of-way of Lamartine Street.

"The Recreation and Open Space Element of the Master Plan, in Citywide System Policy No. 1, states that when public land becomes surplus to one public use, it should be reexamined to determine what other uses would best serve public needs, with priority to direct public use that meet either immediate or long-term public needs. There are no apparent public uses for which this site should be reserved, and the sale of this property to the adjoining owners would seem appropriate."

Mr. Bash recommended that the proposed sale of the subject property to the adjoining owners be approved as in conformity with the Master Plan.

No one was present in the audience to speak in opposition to this proposal.

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Finn, and carried unanimously that the Director be authorized to report that the sale of property at Alemany Boulevard, a portion of Lot 1 in Assessor's Block 6786, to the adjoining owners, is in conformity with the Master Plan.

R76.40 - SALE OF PROPERTY NORTH OF DORANTES AVENUE, EAST OF HERBERT HOOVER JUNIOR HIGH SCHOOL.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to sell Unified School District property at the end of Dorantes Avenue, a portion of Lot 1 in Assessor's Block 2340, which has been declared surplus to the District's needs. The property is a triangular-shaped parcel of approxi-

mately 1,250 square feet, and has the appearance of being part of the side yard of a dwelling to the east, at 360 Dorantes Avenue. The subject property is west of a small fenced-in enclosure, at the base of a retaining wall which supports a driveway portion of the Herbert Hoover Junior High School site.

"The Recreation and Open Space Element of the Master Plan, in Citywide System Policy No. 1, states that when public land becomes surplus to one public use, it should be reexamined to determine what other uses would best serve public needs, with priority to direct public use that meet either immediate or long-term public needs. There are no apparent uses for which this site should be reserved, and the sale of this property to the adjoining owner would seem appropriate."

Mr. Bash then recommended that the proposed sale of the subject property be approved as in conformity with the Master Plan.

No one was present in the audience to speak in opposition to this proposal.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Finn, and carried unanimously that the Director be authorized to report that the sale of property at Dorantes Avenue, a portion of Lot 1 in Assessor's Block 2340, to the adjoining owner, is in conformity with the Master Plan.

CONSIDERATION OF DESIGN PROPOSALS FOR UPPER MARKET STREET.

John Molinari, a member of the Board of Supervisors, stated that he had requested Commissioner Starbuck to propose that the City Planning Commission endorse the design plan for Upper Market Street which had been approved by the Board of Supervisors in 1974. He stated that the design proposals for Upper Market Street had been considered by the Board of Supervisors in 1972 and again 1974; and, on both occasions, the plans had been approved by a vote of 10 to 1 following lengthy public hearings. He felt that the plan which had been adopted by the Board of Supervisors would result in an efficient movement of traffic while preventing Market Street from becoming a "freeway" link to Junipero Serra Boulevard. Recently, an employee of the Chamber of Commerce had reported that there was opposition to the plan which had been adopted by the Board of Supervisors. However, when he and the Chairman of the Mayor's Advisory Committee on Upper Market Street had met with that individual, he had been unwilling to identify the individual or individuals who were opposed to the plan. While the employee of the Chamber of Commerce had tried to draw a correlation between the Upper Market Street plan and the Richmond District traffic barrier program, Supervisor Molinari stated that he did not feel that the two projects were

in any way comparable. He did not feel that the Board of Supervisors had made a mistake in approving the plan for Upper Market Street; and he believed that implementation of the plan would improve the Upper Market neighborhood. He emphasized that the plan for Upper Market Street had been considered twice by the Board of Supervisors and had last been approved more than two years ago; and he did not feel that it would be appropriate to change the City's policies at this point in time, particularly in view of the fact that the availability of Federal funds for implementation of the project might be jeopardized by further delay. He urged the Commission to support good neighborhood and traffic planning and to endorse the proposed plan for Upper Market Street.

Commissioner Starbuck stated that he had asked the staff to draft a resolution which would endorse the design proposals which had been approved by the Board of Supervisors subject to a repositioning of bicycle lanes which had recently been recommended by the Mayor's Advisory Committee on Upper Market Street.

Supervisor Molinari stated that he expected that the Board of Supervisors would be willing to approve the repositioning of the bicycle lanes since that would constitute only a minor change in the plan. However, he felt that it would be important that the plan have the endorsement of the City Planning Commission when it is brought before the Streets and Transportation Committee of the Board for discussion on January 27.

Alan Lubliner, City Planning Coordinator, presented and summarized a memorandum dated January 13, 1977, which outlined the history of the Upper Market Street reconstruction planning effort. The memorandum, which is available in the files of the Department of City Planning, read, in part as follows:

"Department of City Planning Involvement"

"The Department of City Planning was involved in the design phases for Upper Market Street primarily through its representative on the interdepartmental Technical Advisory Committee of the Transit Task Force. Throughout the discussions of design alternatives from 1972 through 1974, the Department had concerns about the plans which were eventually approved. These concerns were: 1) the potential safety hazard of having bicycle lanes between the parking lanes and the sidewalks, and 2) the lack of a city commitment toward retaining the livability of residential areas both north and south of Market Street regardless of the design traffic capacity of Market Street itself; that is, assuring that through traffic is encouraged to use Market Street rather than nearby residential streets for the greater part of the through trip.

"The Mayor's Advisory Committee's new plan now appears to address the Department's first concern about the bicycle lanes.

"The Department's concerns were not addressed by the Board of Supervisors approved plan in 1974. Nevertheless, once the

Supervisors and the Mayor had made their decision, the Department worked with the Mayor's Advisory Committee to coordinate implementation and with the Department of Public Works to secure funding.

"The Process

"Although certain of the Department's concerns were not resolved by the adopted plan, the process by which a design plan was selected for Upper Market Street was fairly comprehensive and public. Public hearings were held by the Board of Supervisors at each step, and there was extensive media coverage. The Mayor's Advisory Committee was an appointed body chosen to represent interests considered relevant to the decisions to be made. Ample opportunity was provided for all interested parties to make their concerns known. The Supervisors were aware of alternatives as well as the opposition of some City departments.

"A design plan for Upper Market Street must take into account the different needs of, at the very least, automobile drivers and parkers, transit riders, other pedestrians and bicyclists. Any one design plan cannot respond to all the needs for this limited right-of-way in a way which is optimal for each; any plan must be a compromise of these varied needs.

"There are any number of alternative design schemes. The necessary method of formulating a design plan was precisely the one followed by the Board of Supervisors. That is, certain design factors must be selected around which the rest of the plan is designed. The Board of Supervisors decided on these basic factors in 1972 in regard to width of sidewalks and provision of bicycle lanes, and again in 1974 in regard to number of moving vehicle lanes and provisions for transit.

"Once this process resulted in these basic design factors, a great deal of City staff time went into implementing the decision accordingly. It is reasonable to expect that any consideration of design alternatives at this time will take into account the history and the process on the Upper Market Street project."

President Lau asked if anyone were present in the audience to speak in opposition to the Upper Market Street design and received a negative response.

Commissioner Rosenblatt requested that the minutes reflect the fact that

the Commission had understood that while the Chamber of Commerce and some property owners in the Upper Market area might be opposed to the plan, no one had appeared at the hearing to express opposition to the proposal.

Mr. Lubliner then read a draft resolution which had been prepared and which read as follows:

"WHEREAS, The plans for Upper Market Street have been a matter of public concern and discussion for many years attracting wide-spread publicity and involving the participation of many different community residents and their elected City representatives; and

"WHEREAS, As a result of said concern and discussion, publicity and participation, the Board of Supervisors did consider the arguments for and against the several alternative design concepts for Upper Market Street and did choose a schematic design plan for that street in Resolution No. 392-72; and

"WHEREAS, Two years later the Board of Supervisors did unanimously reaffirm the policy established by Resolution No. 392-72 and did approve in Resolution No. 512-74 a schematic design plan for the reconstruction and beautification of Upper Market Street which generally provides for:

"1. A 12-foot median strip with left turn haven;

"2. Four moving vehicle lanes;

"3. Two parking lanes;

"4. Two 3-foot protective bicycle curbs;

"5. Two bicycle lanes;

"6. Buses stopping in moving lanes; and

"WHEREAS, Two years later, after hearing from federal officials that minor changes in said design needed to be made in order to qualify for federal funding of a major portion of the cost of construction of said plan, the Board of Supervisors did make such minor changes in Resolution No. 528-76; and

"WHEREAS, The various neighborhoods adjacent to Upper Market Street and the City as a whole now have awaited the reconstruction and beautification of that street for many years, and the funds that are necessary to undertake and complete said reconstruction now are available; and

"WHEREAS, The approved and reaffirmed plan for Upper Market Street is consistent with provisions of the Master Plan;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby support implementation of the design plan for Upper Market Street as approved by the Board of Supervisors and urges that consideration be given to the proposed change in location of bicycle lanes as recommended by the Mayor's Advisory Committee on Upper Market Street.

"FURTHER RESOLVED, That copies of this resolution be forwarded to the Streets and Transportation Committee of the Board of Supervisors for its consideration."

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7639.

At 3:45 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 3:55 p.m. and proceeded with hearing of the remainder of the agenda.

EE76.414 - APPEAL OF NEGATIVE DECLARATION FOR MAINTENANCE CORPORATION YARD AT SAN FRANCISCO INTERNATIONAL AIRPORT.
(CONTINUED FROM MEETING OF DECEMBER 9, 1976)

Alec Bash, City Planning Coordinator, advised the Commission that a letter had been received from Robert G. Lee, Deputy Director and Chief Engineer for the Airports Commission stating that the proposed project had not been accepted for funding under the Local Public Works Capital Development and Improvement Act. As a result, the airport would not be able to proceed with the project for at least two years. Therefore, the negative declaration would not be required at the present time.

Kathleen Van Velsor, representing the Airport Impact Reduction Task Force, and Sylvia Gregory, 141 Madison Avenue, San Bruno, urged that an adequate Environmental Impact Report be prepared whenever the project is revived.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the withdrawal of the project be accepted.

A standard tape cassette recording of the proceedings is available in the files of City Planning for public listening or transcription.

ZT76.6 - PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLES 2 AND 6 OF THE CITY PLANNING CODE TO PROHIBIT GENERAL ADVERTISING SIGNS (OFF-SITE SIGNS AND BILLBOARDS) THROUGHOUT THE CITY AND COUNTY OF SAN FRANCISCO, TO REQUIRE REMOVAL OF ALL EXISTING GENERAL ADVERTISING SIGNS AFTER AN AMORTIZATION PERIOD, AND TO MAKE RELATED MODIFICATIONS. INITIATED BY BOARD OF SUPERVISORS.
(CONTINUED FROM SPECIAL MEETING OF OCTOBER 28, 1976)

Peter Svirsky, Planner V (Zoning), summarized a written memorandum which had been presented to members of the Commission, which read as follows:

"The proposed ordinance to prohibit general advertising signs citywide was introduced at the Board of Supervisors and referred to the Commission for hearing. A memorandum from the Zoning Administrator to the Commission dated September 13, 1976, described the proposal and its relationship to existing sign limitations in San Francisco. The Commission held two evening hearings on this proposal, on September 23 and October 28, 1976.

"The Commission has now taken extensive testimony and received considerable correspondence on this matter. Certain questions raised at the hearings have been answered by the Department staff and others. At the close of the October 28 hearing certain additional questions were posed, and it is the purpose of this report to respond to those questions and to summarize some of the facts and contentions brought out at the hearings.

"1. Impact of the ordinance on jobs and property owners.

"Testimony was given as to the effects of a billboard prohibition and a removal requirement upon people employed in the billboard industry and related activities. This issue is invariably raised in discussion of billboard legislation.

"The effects upon jobs are not entirely clear. Although the billboard industry employs a certain number of people directly, that number is not large, and the ten-year amortization period provided for in this ordinance would permit gradual shifts in employment. Additional people are employed by suppliers and related industries; such people are already apt to be engaged in diversified activities and tend to have greater mobility than those directly employed by the billboard industry. It was also pointed out in the testimony that work displacement can occur in any industry as a result of regulation and for a variety of economic and technological reasons. Nevertheless, the Commission has been, and should be, concerned about the effects of proposed regulations upon jobs.

"Other testimony related to the effects upon owners who lease

space on their properties for billboards. Such owners derive rental income from the billboards, income that may or may not be important to their livelihoods, depending upon the circumstances of the owners. As was pointed out at the hearings, the affected owners cover a broad spectrum, and it is not possible to generalize about their economic status, their age or the number of income-producing enterprises they are engaged in.

"It is also not easy to generalize as to potential alternative uses and sources of income for properties from which billboards might be removed. In some cases different income could substitute for that which was lost; in some it could not. As to owners of other properties -- those on which billboards are not currently located -- it is apparent that some such owners do not wish to rent space for billboards, and many of them might consider it beneficial to property owners generally if the billboards now existing in their areas were removed.

"Comment was also made at the hearings as to the place of residence of workers and owners who might be affected. Although place of residence would certainly not be the controlling factor in legislation of this kind, it is apparent that many workers and owners reside in San Francisco and that many others live outside the city. The two major billboard firms and the corporations that control them are not based in San Francisco.

"2. City taxes paid by billboards.

"Representatives of the billboard industry have indicated that revenues accrue to the City from billboards in the form of gross receipts and personal property taxes.

"The Tax Collector's office has confirmed that both major billboard firms are registered for gross receipts taxes and are paying such taxes. The law prohibits disclosure of amounts paid by individual firms. Payments to the City are based upon the amount of revenues realized within San Francisco. The tax is self-enforcing, with each firm computing its own revenues, although the Tax Collector is able to check the returns through audits of company records.

"Billboards are considered personal property of the billboard firms, and the structures are carried by the Assessor on the unsecured roll. The Assessor's office estimates that the annual revenue for the City from personal property taxes on billboards is between \$45,000 and \$50,000.

"The presence of a billboard is not apt to be reflected in the assessment of the real property on which the billboard is

located. The Assessor considers a billboard to be a relatively transient use. Revenues from a billboard may not be significant in relation to total income and value. In a few situations, however, where a billboard is a major use of the property, the billboard revenue may be reflected in the sale price of the property, and therefore, the presence of the revenue could affect the tax assessment. An accurate computation of these limited effects upon real property assessments would not be possible.

"3. The national experience in prohibiting billboards.

"Testimony both for and against the ordinance proposed for San Francisco considered the types of ordinances enacted in other communities and various decisions of State and Federal courts.

"Ordinances in other cities have taken a variety of forms. With some exceptions the larger cities across the country do not have a total prohibition of general advertising signs. However, where a total ban does not exist a city may still prohibit such signs in some or even most of its commercial and industrial zoning districts. The concept of total prohibition is not new; restrictive controls have existed for many years in some communities and are currently being proposed in other cities.

"Many middle-sized and small cities do have a total ban. A 1975 survey of California cities with a population of 10,000 or more in 1975 found that 135 cities, or 43.5 per cent of all such cities in the state, had a total prohibition of billboards. Among these cities are Alameda, Barstow, Davis, Folsom, Fremont, Gilroy, Hayward, Livermore, Los Gatos, Manteca, Merced, Monterey, Novato, Orange, Oroville, Redwood City, San Mateo, San Rafael, Santa Cruz, Tracy and Yreka.

"In any event, San Francisco need not be guided by what other cities have done. It has been said that this city has its own special qualities and needs, and that it should legislate according to those considerations. If protection of San Francisco's important qualities requires that certain signs be controlled or prohibited, then appropriate actions ought to be undertaken.

"Regarding court decisions in the United States there has been conflicting testimony. The billboard industry raised questions at the hearings and in a legal memorandum. A reply was given by the California Roadside Council in its letter of December 14, 1976, to the City Planning Commission.

"As was indicated during the hearings, the Department of

City Planning staff has looked into these legal questions and has reviewed them with the City Attorney's office. Nothing has been found in such questions that would bar adoption in San Francisco of an ordinance such as the one proposed. Among other things, it is evident that the California courts over the years have been favorably disposed toward sound sign legislation, and that San Francisco may be regarded as having reasons at least as strong as those of any other community for adopting legislation relating to billboards.

"4. Other possible restrictions for billboards in San Francisco.

Members of the City Planning Commission have asked for a listing of other types of measures that could be taken to control billboards, aside from the total ban proposed in the ordinance now pending. It is understood that the Commission wishes to be informed of the variety of control actions available to cities in this field.

"There are many possible forms of control, as indicated in the following outline. This is intended as a listing of possible ordinance provisions, but not as a full evaluation of them or a recommendation of any specific measure as an alternative to the proposal now before the Commission. Under procedures for amendment of the City Planning Code, the Commission is to act on the proposal before it, and the Commission cannot be expected to modify that proposal or to introduce an alternative measure at this time.

"a. Additions to areas where billboards are prohibited.

"(1) Zoning use districts. General advertising signs are now prohibited in P (Public Use), R (Residential) and C-1 (Neighborhood Shopping) Districts. A prohibition could be added for any of the following use districts where such signs are now allowed: R-4-C, R-5-C, C-2, C-3-O, C-3-R, C-3-G, C-3-S, C-M, M-1 and M-2. A City Planning Code text amendment would be required.

"2) Special districts. A prohibition of billboards now exists in certain special sign districts as a supplement to the use district regulations. Among the areas affected are the Civic Center, the vicinity of Candlestick Park, Jackson Square and downtown Market Street. An additional district for Upper Market is pending at the Board of Supervisors. Further districts could be added through text and map amendments.

"(3) Scenic streets. A list of scenic streets for billboard prohibition was for many years contained in the San Francisco Building Code; in 1965 the list was added to and moved to the City Planning Code. Most of the frontage of these streets is in Residential districts where billboards are prohibited by other provisions, but the scenic streets do include small commercially zoned areas along such streets as Portola, Alemany, Lombard, Sloat, Nineteenth Avenue and the Great Highway. Additions to the list could be made by Code amendments.

"(4) Public properties. It appears that the only City properties on which billboards are now permitted as a matter of policy are lands of the Port of San Francisco on and near The Embarcadero. No Code amendment is required for a change of policy, as these billboards are under short-term leases from that public agency. A proposed resolution requesting termination of these leases is pending at the Board of Supervisors.

"b. Limitations upon configuration of billboards.

"(1) Interval between billboards along a street. Some communities have required that general advertising signs commanding the attention of traffic moving in a given direction along each street be spread at intervals of not less than 100, 200 or more feet. Such a requirement tends to limit the supply of new locations, but does allow some new signs and will freeze the existing signs in place unless removal of nonconforming signs is also required. For this and all the possible regulations that follow, only a text amendment would be required.

"(2) Size of each billboard. The approximate standard sizes of billboards are 8 x 8 feet (64 sq. ft.) for pedestrian areas and slow traffic; 12 x 25 feet (300 sq. ft.) for 'poster panels' for average streets; and 14 x 48 feet (672 sq. ft.) for 'painted bulletins' for larger sites, wide streets, high-speed traffic and high traffic volumes. Custom-made signs may be even larger. It would be possible to set a maximum size for billboards, either using a uniform size for all districts in the city or varying the size by zoning district.

"(3) Height of each billboard. The City Planning Code now contains height limits for all signs. In the districts in which billboards are permitted, the top of the sign may be no higher than 36 feet above the street in C-2, or 40 feet in all other districts, if the sign is free standing; and no higher than 100 feet above the street in C-3, or 60 feet in all other districts, if the sign is mounted on the wall of a building.

These height limits may be considered generous in comparison with those of many other communities. The limits permit signs to be placed against the sky, to be seen over buildings, or to be stacked one above another. Height limits in some cities may be 20 feet, or even lower, for all signs.

"(4) Location and size in relation to buildings. Existing requirements in San Francisco prevent new billboards from being located on most rooftops, or on the wall of a building so as to extend above the roof line. It would be possible to require, in addition, that billboards on the ground be located next to a building wall so that they are completely backdropped. Furthermore, the size of any billboard might be limited in relation to the size of the wall against which it is placed; for example, the sign might not be permitted to cover more than one-third the area of the wall, or to cover windows.

"c. Removal of weakening amendments made in 1965.

"(1) Review of individual signs. The Department of City Planning and the Commission do not have discretion over individual sign applications in San Francisco. Review power was taken away in a series of amendments by the Board of Supervisors before adoption of the 1965 sign ordinance. Such power might be restored for all signs, or for certain specific types of signs.

"(2) Other amendments. Among the other weakening amendments made by the Board in 1965, all at the urging of the outdoor advertising industry, were the following: allowance for moving parts in billboards; allowance for signs on rooftops if the signs are backdropped by walls; and increase of the height limit for free standing signs in C-2 districts from 24 feet (and 32 feet on four specific wide streets) to 36 feet; removal of the termination date for billboards on commercially zoned properties along Nineteenth Avenue; and removal of the termination date for billboards along the James Lick Skyway from the vicinity of Tenth Street to the Bay Bridge, the portion of the freeway system having about 40 per cent of all freeway signs and the most lucrative income for the billboard industry. Each of these weakening amendments might be repealed.

"d. Requirements for removal of existing nonconforming billboards.

"(1) Removal requirements now in effect. There are at least 90 billboards affected by existing removal requirements: two in the Civic Center, 47 along freeways and 41 on downtown Market Street. The two in the Civic Center, diagonally across from City Hall, were due to be removed in 1966 but have remained and

are still in litigation. Those along the freeways, other than from Tenth Street to the Bay Bridge, were to be removed in 1975 but are also in litigation. Those on downtown Market Street are subject to removal under a 1970 ordinance that is to be clarified by an amendment now before the Board of Supervisors. Each of these removal requirements should be pursued by the City and adhered to by the billboard industry.

"(2) Removal requirements deleted in 1965. These requirements, applying to portions of Nineteenth Avenue and the James Lick Skyway, have been referred to above. The two requirements could be enacted by repeal of exemptions from the Code.

"(3) Removal of other nonconforming billboards. There are a number of requirements of the present sign regulations that apply to new signs but are not retroactive for signs already existing. Therefore, the nonconforming signs may remain in perpetuity unless they wear out or are taken down for other reasons. These non-retroactive provisions include the prohibitions applying to rooftop signs; wall-mounted signs that extend above the roof line; signs above a certain height in feet, both wall-mounted and free standing; and billboards in C-1 zoning districts. Each of these provisions could be made retroactive, so that existing signs not complying with the restrictions would have to be removed or modified to conform at the end of an amortization period. A considerable number of billboards in San Francisco would be affected by such removal requirements."

At the conclusion of Mr. Svirsky's report, President Lau recommended that this matter be continued until the Commission's meeting on February 10. Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the Commission's meeting on February 7, 1977.

DISCUSSION OF POSTAL SERVICE USE OF HARKNESS HOSPITAL SITE.

Robert Passmore, Planner V (Zoning), stated that the Postal Service planned to use 33,354 square feet of the 109,084 square feet site for a new carrier station. The remaining 75,730 square feet of the site would be used for parking. He indicated that the staff of the Department of City Planning had reviewed a number of other postal service facilities in San Francisco and San Jose; and the staff believed that a multi-level project would be feasible in San Francisco. The amount of space required for open parking would be reduced by 6400 square feet if alternate plans were to be made for employee parking, and by 80,000 square feet if alternate plans were to be made for all of the other parking with the exception of customer parking and

some parking for carriers. If all of the parking were to be included within a multi-story building, it was estimated that the site area required by the Postal Service could be reduced to a minimum 69,260 square feet. If the Postal Service continued to take the position that a single level building should be constructed, there would be only a few alternate sites which would be large enough for the proposed project. The alternatives available in that case would involve joint use of the Department of Motor Vehicles property at Fell and Baker Streets, joint use of the Geary-Presidio Car barn site, utilization of the Playland-at-the-Beach site, or utilization of vacant land in the Western Addition; however, it was likely there would be opposition to construction of the postal facility at any of those locations. Another possible location for the facility would be the vacant White Front store which is two miles closer to the Richmond District than the Napoleon Street facility at which the mail is initially received. If the Postal Service were to consider construction of a multi-story building which could be built on a lot with 69,260 square feet, the number of alternate sites available would be increased. In conclusion, he stated that the Postal Service, as an agency of the Federal Government, is exempt from local zoning and building controls.

Commissioner Rosenblatt asked what portion of a city block would be occupied by a lot with an area 69,260 square feet. Mr. Passmore replied that such a lot would occupy approximately one-half of a city block.

President Lau asked if the Postal Service had considered the possibility of using the vacant White Front store for the proposed facility. Mr. Passmore replied that the Postal Service may have considered use of that building; however, the Postal Service had taken the position that the new facility should be located within the area in which it would serve in order to reduce the amount of travel time required.

Commissioner Finn stated that three proposals had been considered for joint use of the Geary-Presidio Car barn site since 1952; and, on such an occasion it had been determined that construction of a deck above the existing yards would be infeasible. Furthermore, he expected that residents of the neighborhood would object to any proposal for joint use of the site. Under the circumstances, he did not feel that the suggestion should be made that joint use of the Geary-Presidio Car barn site would provide an alternate solution for the Postal Service.

Anna Darden, President of the Haight-Ashbury Neighborhood Council, read and submitted the following letter:

"At the December meeting of the Haight Ashbury Neighborhood Council the general membership voted to oppose the U.S. Postal Service project at the Harkness Hospital site. We urge this Commission to disapprove the project, by formal resolution. The Neighborhood Council opposes the project for these reasons:

"First, the project violates both the City's Master Plan

and the July 1973 Improvements Plan for the Haight Ashbury adopted by this Commission in August of 1973 (Resolution #7059).

"Your staff has already presented to you its views on the project's incompatibility with the City's Master Plan. The Council additionally points out that the proposed project also violates Goals, Policies, and Recommendations of the Improvement Plan. Specifically the Improvement Plan sets as a goal the maintenance and improvement of the 'quality of the environment of the Haight Ashbury' (Goal 2, pg. 2). The Plan sets out various policies and recommendations for doing this, including the following:

'Policy: Preserve the existing scale and character of the Haight Ashbury. (p.5)

'Recommendation: Future development should be strongly influenced by environmental considerations. (p.6)

'Policy: Protect residential areas from excessive automobile traffic. (p.10)

'Recommendation: Increase safety and provide protective buffering along heavily travelled portions of...Oak, Fell, Hayes.... (p.10)

'Recommendation: Preserve and enhance the residential environment along lightly travelled streets."

"The U. S. Postal Service's proposed Regional Distribution Center violates each and every one of these Goals, Policies and Recommendations as adopted by this Commission. The Postal Service's own Environmental Assessment states on page 50:

'The long term (permanent) adverse impacts of the project would be:

- increase in traffic on nearby streets;
- increase in air pollution and noise due to project traffic;
- increased energy consumption on the site;
- reduction of desirability of adjacent blocks for residences.'

"The second reason the Council asks this Commission to formally disapprove this project on this site is that the project has never been fully described by the Postal Service. All the Council and this Commission has ever had before them for review is a privately contracted Environmental Assessment. And in fact,

the principal structure described in the Assessment, dated September 1976, has been moved from one end of the site to the other by December of 1976.

"In short, neither the Council nor the Commission has any real idea of what precisely is being proposed here--other than the demolition of a fine, substantial building and its replacement by a huge parking lot on one full block in the Haight Ashbury.

"It seems that even the private firm which prepared the Assessment was so uneasy about the 'significant effects on the environment' of this project that it stated (pg. 60) that a full 'Environmental Impact Statement (EIS) be prepared on the project.'

"This Commission cannot approve such a major project when so little is known of it.

"Third, the Council opposes this inappropriate use of the Harkness site because it will permanently foreclose re-using a fine building for more compatible uses--such as housing. While the building may not meet the stringent earthquake requirements of an inpatient care facility, the Council points out that it is safe for use as housing. In fact, it is the understanding of the Council that the Postal Service, contrary to claims made to us and to this Commission, has not studied the rehabilitation of the building for housing uses.

"The need in the Haight Ashbury is for housing, not warehouses and parking lots. Not one new permanent job will be produced by this project; no cut in postage rates will occur as a result of this scheme. The benefits are minimal; the costs, both monetarily and environmentally, is great.

"Reject this proposal, and join with us in producing a project on the site that will be environmentally sound and which will fill the unmet needs of the residents of the Haight Ashbury."

Ms. Darden also read a letter which had been addressed to the Director of Planning by John L. Burton, member of Congress, as follows:

"I wish to support the Haight Ashbury Neighborhood Council's position opposing a post office complex at the Harkness Hospital site on Fell Street.

"I have received letters from constituents who are opposed to the use of this valuable land as a post office.

I feel this would be an inappropriate use of the land as housing is desperately needed and it is a violation of the master plan for this area. I am further informed that it is the city's policy to convert underutilized and non-residential property to residential use. As housing will be a key priority in the new Congress, this should be taken into consideration prior to deciding to use the valuable Harkness Hospital site for a post office.

"Your close consideration of these aforementioned factors would be very much appreciated."

Marie Washington of the Citizens Action League noted that there were a number of people present in the audience who were concerned about the proposed project and the impact it would have on the neighborhood; and she indicated that she would introduce several speakers to convey the concerns of the community to the Commission.

Elizabeth Bert presented a photographic slide show which was designed to reflect the existing character of the neighborhood. She emphasized that the area is basically residential in character. The Golden Gate Panhandle is an important part of the neighborhood and is used by residents of the area. The new Bank of America branch facility and parking lot and the Department of Motor Vehicles office and parking lot at Fell and Baker Streets encroach on the residential character of the area; and she felt that similar developments should be avoided on the Harkness Hospital site. She also showed photographic slides which testified to the fact that the area does have traffic and parking problems; and she felt that the type of vehicles which operate out of Rincon Annex, and would probably operate out of the proposed facility, would compound the traffic and parking problems.

In conclusion, she stated that she did not feel that the Harkness Hospital property would be an appropriate site for the proposed facility.

Sterling Scott stated that he had lived in the subject neighborhood for more than 22 years; and he advised the Commission that he was opposed to the proposal to demolish the Harkness Hospital building and to construct a new Postal Facility on the site. In the early 1960's, the neighborhood had been threatened by a freeway; but residents of the neighborhood had won that battle. Subsequently, an entire block of residential buildings was demolished to make way for the Department of Motor Vehicles' office and parking lot. That facility has drawn hundreds of cars to the area each day and has had a detrimental impact on the neighborhood. During the late 1960's, the Haight-Ashbury district had experienced other problems which made it a terrible neighborhood in which to live. In recent years, however, the neighborhood has been improving. Unfortunately, the neighborhood was now being threatened by the proposed Postal Service facility. He felt that the proposed facility would industrialize the neighborhood; and he was opposed to such industrialization of the area by the Postal Service or by any other entity. In conclusion, he stated that he felt that the safety of his grandchildren would be threatened by the proposed facility; and he urged the Commission to

do whatever it could to prevent implementation of the project.

Lou Gage, a member of both the Citizens Action League and the Alamo Square Improvement Association, read and submitted the following letter which had been prepared by Charles W. Callister, President of the Alamo Square Neighborhood Association:

"The Alamo Square Neighborhood Association hereby wishes to inform you that we fully support the resolution and demands adopted at the Citizens Action League Neighborhood organizing meeting January 6, 1977.

"This resolution protests the U. S. Post Office proposal to demolish Harkness Hospital and to construct a mail distribution center and parking lot. As residents of the area we also resolve and affirm statements 1-3 of the Citizens Action League resolution, and we also urge you to recommend that this project be disallowed.

"We further urge that this site be carefully evaluated and that the eventual use be one which is appropriate to and compatible with the surrounding residential neighborhood."

Mr. Gage stated that the subject neighborhood had been beset with a number of problems, including a serious proposal to install a commercial soccer field in Alamo Square. He remarked that the proposed Postal Service facility would generate a tremendous amount of traffic and would have a detrimental impact on the neighborhood. He urged the Commission to recommend that the Postal Service find an alternate site for the facility; and he felt that the vacant White Front store would be an ideal location for the use.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the proceedings.

Jerry Garchik, a resident of the neighborhood, remarked that the number and nature of the individuals who were present in the meeting room in opposition to the proposed project reflected the fact that residents of the neighborhood were uniformly opposed to the proposal. He informed the Commission that a meeting attended by approximately 50 people had been held in the neighborhood during the past week; and they had felt that construction of the facility would be undesirable since it would bring more traffic to an already impacted area and since it would prevent future use of the site for housing. He did not feel that the Postal Service really needs a site as large as the Harkness Hospital property for its facility; and he remarked that the type of facility which might be appropriate in San Jose or Los Angeles would not be appropriate for San Francisco. He indicated that other proposals had been made for use of the Harkness Hospital site; but he felt that some of

the proposals had not been given a fair hearing by the owners of the property. In any event, he did not feel that the facility proposed by the Postal Service constituted the only feasible project for the property. In conclusion, he stated that he felt that the Harkness Hospital site should be used to replace some of the housing which has been lost to make way for institutional expansion in the neighborhood.

Robin Wheeler, a member of the Board of Directors of the Haight-Ashbury Children's Center, stated that the center cares for children between the ages of 3 and 6 years; and she indicated that the children use the Golden Gate Park Panhandle on a daily basis. The parents of the children cared for by the center felt that the proposed Postal Service facility would endanger the children and damage the quality of their environment. She also believed that the proposed facility would endanger school age children who travel between their homes and school by bus. Furthermore, the increased traffic which would be generated by the proposed facility would bring increased pollution to the neighborhood and would add to the health hazard. Therefore, she urged that the Postal Service be encouraged not to proceed with its plans for development of the subject property. In conclusion, she stated that the proposed use would more than likely generate additional industrial uses in the area and would detract from the residential character of the neighborhood.

Dave Jenkins stated that approximately 1,000 members of the International Longshoremen's and Warehousemen's Union live in the subject neighborhood; and he noted that the members of his union had voted to oppose construction of the Panhandle Freeway even though that project would have provided jobs. By the same token, he felt that they would be opposed to the proposed Postal Service use of the subject site. He had talked with other local labor leaders who had told him on an informal basis that they were opposed to the project. He remarked that the subject neighborhood could be an ideal place for senior citizens to live, given the proximity of Golden Gate Park with its many activities; and he felt the current proliferation of service stations and other uses of that sort is unnecessary. In conclusion, he remarked that he knew of no other city which would not be anxious to take advantage of such resources as Golden Gate Park and the Golden Gate Park Panhandle and to encourage development of nearby housing so that people would be able to move to the area; and he remarked that the Harkness Hospital site could provide an opportunity for introduction of new housing into the area.

Commissioner Rosenblatt asked Mr. Jenkins if he had any information to contribute to the feasibility of converting the existing hospital building for residential use. Mr. Jenkins replied that William Rosso, the representative of a developer who had previously made a bid to acquire the property for residential development, was present in the audience and might be able to respond to the feasibility question. He also advised the Commission that it was possible that union trust funds could be used for an affirmative action housing project on the site.

Mariam Ushoff, a resident of Clayton Street, observed that the proposed

facility would generate a great many truck trips each day; and the additional traffic would be detrimental to the neighborhood. She also remarked that information which had been made available by the Postal Service did not mention the cost of the proposed facility; however, she understood that the cost for the land and demolition of the existing building would come to approximately \$1,300,000 or approximately twice the true value of the land. No indication had been given that the Postal Service had considered use of the vacant White Front store. She believed that four existing sub-stations would eventually be closed if the proposed facility were to be constructed; and she remarked that the closing of those sub-stations would inconvenience 64,084 people and 2,481 businesses. She advised the Commission that she was part of a coalition which had made an offer on the subject property with the intention of using the existing building for senior citizen housing, vocational training, and certain cultural activities, all of which would have been in keeping with the existing character of the neighborhood. In fact, the coalition had offered more money for the property than was being offered by the Postal Service. She hoped that the Postal Service would be discouraged from proceeding with its project.

William Rosso, architect for the Maisin Development Corporation, stated that his client had made a proposal to the owners of the subject property in April, 1975; and approximately four months had been spent in negotiations. His client had intended to rehabilitate the existing building for subsidized housing for elderly people in a manner similar to the way in which he had recently rehabilitated the old Notre Dame Hospital building. However, subsidies for such a project would have to have been obtained from the Federal Government; and his client did not feel that he could make a commitment on purchase of the property until those subsidies had been obtained. The owners of the property, while interested in the project which had been proposed, had felt that they could not wait for a decision to be made by the Federal Government. He stated that he and his client had anticipated that between 260 and 300 housekeeping apartments could be provided in the existing building at a cost of \$6,000,000. The estimated rental cost of the units at that time was \$335.00 a month; and he expected that rental rates at today's prices would be approximately \$400.00 per month. Such rents would not be achievable in the open market; however, subsidies from the Federal Government based on the income of the tenants could have reduced the rents to \$70 or \$80 a month. At the present time, the chances of obtaining subsidies from the Federal Government appear to be less optimistic than they were two years ago. Last year, for instance, only 90 units of subsidized housing were authorized by the Federal Government in San Francisco; and, at that rate, a facility with 300 units would utilize three years of the City's allocation of subsidies. Furthermore, the Federal Government has taken the stance that large housing facilities do not provide the best sort of living environment. Under those circumstances, he and his client would not be willing to risk their capital on a subsidized housing development at the subject location at the present time; however, he did not mean to imply that housing would not be the most desirable use of the site. In conclusion, he estimated that there was a 50/50 chance that a subsidized housing project utilizing the existing building would be feasible under present circumstances.

Robert T. Hall read and submitted the following letter which had been prepared by David Brigode, President of the Haight-Ashbury Neighborhood Development Corporation. (HAND):

"The Haight-Ashbury Neighborhood Development Corporation (H.A.N.D.) opposes the Post Office plan for the Harkness Hospital site.

"These are the drawbacks as we see them-

"-The proposed development is out of character with a residential neighborhood.

"-A one-story building is an inefficient use of urban land.

"-The parking lot, besides generating a large amount of traffic next to the busiest east-west artery in the city, would have to be ringed with chain link 'fortified' fence, and would be a continuation of the eyesores already perpetrated by the DMV and Bank of America properties further down Fell Street.

"-We have no proof that centralization of facilities as expounded by the Post Office would create greater efficiency; rather, closing down neighborhood centers would create hardship for residents and merchants. From my experience in civil service, this plan smacks of beauracrat empire building.

"With the critical need in this city for decent, low-income housing, particularly for seniors, H.A.N.D. supports further study into the feasibility of low cost government loans for structural conversion of Harkness, rather than its demolition for an ill-advised and unpopular warehouse facility in a residential neighborhood.

Lou Porter, a resident of the neighborhood, remarked that the Postal Service had not provided residents of the area with any new information concerning the project since the December 9 meeting of the City Planning Commission; however, in view of the fact that the proposed facility would not provide sufficient space to meet the Postal Service's assessments of its needs over a ten year period, he felt that there was a real possibility that the facility, once completed, would be expanded in the future. While the Postal Service had stated that it intended to hire a San Francisco architect to prepare plans for the project, no specific name had been mentioned; and he felt that the architectural style of other postal facilities which have been constructed in San Francisco in recent years would not be appropriate for the subject site. Finally, he expressed the opinion that an Environmental Impact Statement should be prepared for the proposed project.

Nick Rosia, a resident on Fell Street two blocks from the subject site, remarked that the Golden Gate Park Panhandle is really a beautiful place with green grass and trees surrounded by Victorian buildings; and he indicated that he spends a great deal of time walking in the Panhandle. However, he always avoids walking in the Panhandle area near the Department of Motor Vehicles facility because that facility, being business-oriented, tends to intrude on the character of the neighborhood. He also regarded the heavy traffic on Fell and Oak Streets to be an intrusion in the neighborhood. He stated that he would be opposed to further introduction of industrial or business uses in the area.

John Bardis, President of the Inner-Sunset Action Committee (ISAC), stated that it was his opinion that the proposed project has no legal standing until the Environmental Impact Statement has been prepared under Federal law or an Environmental Impact Report has been prepared under local law if local laws apply. Under the circumstances, he urged that the Commission recommend that the project not be implemented.

Gregory Roderick, resident of the Sunset-Taraval District, advised the Commission that the Postal Service had failed to follow a "good neighbor" policy in dealing with his neighborhood. The Post Office which used to serve that district has been turned into a financial office; and residents and businessmen in the area have been disadvantaged because of that change. The area has experienced substantial delays in the delivery of mail. He also noted that San Francisco has a transit-first policy; and he remarked that it is not widely known that the Postal Service has made financial arrangements with the Municipal Railway to enable its carriers to ride on public transit vehicles. He felt that the Postal Service should increase its use of public transit vehicles and de-emphasize its reliance on the use of its own motor vehicles. He also indicated that Postal Service carriers had illegally used on-street parking spaces in the Irving Street commercial district and had claimed that they were exempt from local traffic controls; however, the Postal Service had later agreed that their vehicles were not exempt from local restrictions and had indicated that they would pay for any violations which might occur. He was not satisfied with that solution because public money was involved; and he felt that it would be preferable for the Postal Service to instruct its employees to be good citizens.

Sue Hestor, representing San Francisco Tomorrow, stated that the Board of Directors of her organization had met on the previous evening and had voted unanimously to oppose the proposed facility. While she recognized that agencies of the Federal Government are exempt from local zoning and building controls, she observed that the Federal Government does not always take advantage of its exempt status; and she felt that the City Planning Commission and the Board of Supervisors should take a very strong position in opposition to the proposed project. She stated that she had worked for the Postal Service in 1969 and had been involved in the design of postal facilities; and she advised the Commission that the Postal Service has been designing its facilities

at the "lowest common denominator" for the past ten years. While she recognized that the Postal Service is under pressure to save money, she remarked that cost effectiveness can not be measured the same way in San Francisco as in Contra Costa County; and she felt that the Commission and the Board of Supervisors should make it clear that they would not submit to the "cultural tryanny" of the Postal Services' attempt to construct a suburban facility in San Francisco. In conclusion, she urged the members of the Commission and residents of the subject neighborhood who are opposed to the project to be in touch with their senators and congressmen in an effort to dissuade the Postal Service from proceeding with its project on the subject property.

The principal of a kindergarten school located in the area stated that many of the children attending his school walk to and from their homes; and some of them have to cross Fell Street, which already has a high volume of traffic. If a new use were to be introduced into the area which would generate more traffic, he felt that the kids might as well have targets placed on their backs, particularly in view of the fact that he has been unable to get crossing guards to help them across the street.

Tom Gaines stated that he had once operated a business in the Western Addition but had been displaced by the Federal Government's Redevelopment Program. Presently, he owns property which is located two blocks away from the Harkness Hospital site; and he was concerned about the possibility that he would eventually lose that property to the Federal Government, also. Under the circumstances, he was opposed to the Postal Services' proposal for use of the subject site. He asked representatives of the Postal Service who were present in the room if their employees live in San Francisco. The reply was positive. He then asked if the proposed new facility would generate new jobs and received a negative response. When he asked if the proposed facility would increase property values in the neighborhood, the answer which he received was that the facility should increase property values in the area. He then advised the Commission that he also represented a group of Baptist ministers who are involved in research relating to care for the aged; and he stated that his group felt that the Harkness Hospital building could be used as a convalescent hospital. Such a use of the building would help to overcome San Francisco's shortage of convalescent beds.

Warren K. Branscum, General Manager of the Real Estate Division for the Western Regional Office of the Postal Service, stated that his office had asked the Department of City Planning for a list of organizations which might be interested in the proposed project; and those organizations had been contacted in October. Meetings had been held in the neighborhood. The Fulton-Stanyan Street Association and the Anza Vista Neighborhood Association had indicated that they were supportive of the proposal; and until the present meeting he had heard of no opposition to the proposal. He noted that his associate, Mr. Schultz, had outlined the Postal Services' general plan to the Commission during the meeting of December 9; and he stated that the proposed India Basin facility would not afford any significant savings if the Postal Service were prevented from proceeding with its satellite facilities program.

He indicated that the purpose of the proposed facility would relate to carrier distribution; and he emphasized that construction of the proposed facility would not result in the closing of any local post offices. Mail for the north-western section of the city is presently distributed from a facility on Napoleon Street which is located five miles away from the service area; and, as a result, carriers have to make a 10 mile round trip each day between the distribution center and their routes. The Postal Service had met with the San Francisco Planning and Urban Renewal Association; and that organization had agreed that it would probably not be feasible to develop housing on the subject site under present circumstances. He stated that the Postal Service had started planning for the proposed facility more than three years ago and had looked at a number of alternate sites. The vacant White Front store had, in fact, been considered; however, the Postal Service was not interested in that building because it already operates a facility directly across the street which serves the Mission district. While he would not be opposed to joint use of the Harkness Hospital site, he indicated that he was under a mandate to save as much money as possible; and he remarked that construction for joint use of the property would cost more money. He emphasized that the proposed distribution center should not be considered to be an industrial use; and he indicated that such facilities are usually located in commercial districts. He stated that the Postal Service tries to cooperate with public agencies and does use its powers of eminent domain; and he felt that public agencies should be willing to cooperate with the Postal Service to achieve efficiency in mail delivery. He stated that he had read the Mt. Sutro Communities Plan; and he felt that the proposed use would be in conformity with that plan. He indicated that he would be prepared to respond to any questions which might be raised by members of the Commission.

Commissioner Dearman stated that she could understand how the Postal Service might not have expected opposition to its proposal. However, if there were substantial opposition to the proposal, she wondered what the posture of the Postal Service would be.

Mr. Branscum replied that he was unsure of what the reaction of the Postal Service would be to major opposition to the proposed facility. He emphasized that he had made an effort to determine the reaction of the community in October, before the Postal Service had proceeded to spend \$100,000 on the project. He regarded the Haight-Ashbury Neighborhood Council to be the most "ardent" neighborhood organization in the area; and, since they had not initially expressed opposition to the project, he had assumed that the project would be acceptable to the community.

Commissioner Bierman asked if she were correct in understanding that the Postal Service had spent \$100,000 on the project since October. Mr. Branscum replied in the negative, indicating that a total of \$100,000 had been spent on the project but that only \$5,000 per month had been spent since October.

Commissioner Bierman then remarked that the Postal Service is a public agency; and, as such, she felt that it should be responsive to the feelings of

the community. Personally, she felt that any substantial increase in the amount of traffic in the subject neighborhood would create a problem; and she suggested that the Postal Service should be careful about proposing facilities in areas where opposition is likely to arise. While the Postal Service was surprised that it had taken three months for the sentiments of the neighborhood to surface, she had found from her own experience that two or three months is not an unreasonable period of time for neighborhoods to take in determining their reaction to a specific proposal. When she asked when the Postal Service had first taken an option on the subject site, Mr. Branscum replied that the option had been taken in May, 1976.

Jim Shultz, Program Manager for commercial contracts for the Postal Service, stated that he had never expected that the Postal Service would gain the unanimous support of the community for its facility. However, the proposed facility would serve more than 20,000 people; and he felt that considerable judiciousness should be used in determining whether the 50 or 60 individuals who were present in the meeting room represented a true cross-section of the community, particularly in view of the fact that some neighborhood groups had supported the proposed project. In conclusion, he emphasized that utilization of the subject site would not result in any housing demolition or relocation of people.

Commissioner Starbuck asked if it would be feasible for the Postal Service to use an existing building such as the Bekins Building on Geary near Masonic for the proposed distribution center. Mr. Shultz replied that the Postal Service had constructed a number of two-story facilities. However, the availability of the Harkness Hospital site affords an opportunity which the Postal Service would like to pursue.

Calvin Welch, a member of the Haight-Ashbury Neighborhood Council, acknowledged that his organization had met with representatives of the Postal Service to review the proposal in October. However, the Postal Service's plans had changed in November and December; and, as a result, the members of his organization were not entirely sure what they were dealing with. The City Planning Commission had held a public hearing on the proposal on December 9; and, if the Postal Service was not made aware of the fact that there was opposition to the proposal at that time, he questioned the effectiveness of their perceptive powers. Eventually, word of the proposed project had been spread throughout the neighborhood; and he felt that testimony which had been offered during the course of the present hearing presented a good cross-section of the sentiment of the community.

Mr. Bardis felt that the real problem was that the Postal Service had not prepared an Environmental Impact Statement for the proposed project so that the community would have a clear statement of the impact of the proposed project; and, as a result, he believed that the Postal Service had come to the community prematurely.

Rai Y. Okamoto, Director of Planning, advised the Commission that the staff of the Department of City Planning had made its concerns regarding the

proposed project known to the Postal Service at a early date; and he felt that Mr. Branscum's comments with regard to the possibility that the India Basin facility would not be viable if the proposed facility were not constructed on the Harkness Hospital site tended to dramatize the problems with the type of operational concept which the Postal Service was trying to impose on San Francisco. Although he recognized that public money would be used to construct the carrier distribution center wherever it may be located, he remarked that it would not be inconsistent with past policy of the Commission to recommend that more money be spent to ensure the compatibility of such facilities in some neighborhoods as opposed to some others. He then distributed and recommended the adoption of a draft resolution which contained the following resolved clauses

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the proposed use of the former Harkness Hospital site by the United States Postal Service for a carrier station would be inappropriate due to the juxtaposition of the subject site to the surrounding residential neighborhood and adjacent park, and would be in conflict with the City's Comprehensive Plan by precluding the potential conversion of the subject site to residential use; and

"BE IT FURTHER RESOLVED, That should the United States Postal Service proceed with a carrier station on the Harkness Hospital site, the City Planning Commission believes the Postal Service should cause to be prepared an Environmental Impact Statement to inform residents of the area and decision makers of the potential impacts of the proposed project."

After further discussion it was moved by Commissioner Dearman and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Rosenblatt stated that it seemed to him that adoption of the draft resolution would be appropriate; and he indicated that he intended to vote for it. However, it appeared that there might be alternate building configurations which would meet the needs of the Postal Service; and he felt that the staff should continue its analysis of alternate sites which might serve the needs of the Postal Service. In other words, he felt that the Commission's responsibility should not stop with adoption of the draft resolution but that the Commission should continue to assist the Postal Service in solving its problems.

Commissioner Bierman agreed with Commissioner Rosenblatt. However, she emphasized that San Francisco is a small city; and she felt that the Postal Service should be cognizant of the fact that the quality of life is as important to the residents of the city as the efficiency of the mail service. Personally, she expected that a proposal to construct the proposed facility on an alternate site in another residential district would also be met with opposition; and she

felt that the proposed facility would most appropriately be located in an industrial area. It seemed to her that the Postal Service would be unwise to continue spending money preparing plans for the facility on alternate sites in residential areas since the likelihood was that any residential area in the city would oppose the project.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7640.

At 6:40 p.m. President Lau announced a 5 minute recess. The Commission reconvened at 6:45 p.m. and proceeded with the hearing of the remainder of the agenda.

DR77.8 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF
BUILDING PERMIT APPLICATION NO. 454655 FOR A 64-UNIT
APARTMENT BUILDING AT 1652 TAYLOR STREET.

Robert Passmore, Planner V (Zoning), stated that the subject property is occupied by the House of the Flag, a building which was designated as a Landmark on May 12, 1972. The present owner, in developing the site, intended to preserve the landmark building; however, he had contended that it would be necessary to construct a 64-unit apartment building on the remainder of the site in order to make retention of the landmark building economically feasible. The Russian Hill Affiliates were concerned about the density of the proposed project; and, as a result, they had requested the Commission to undertake a discretionary review of the building permit application. He stated that it was the recommendation of the staff that the discretionary review be held during the Commission's Regular Meeting on January 27.

Tak Enomoto, the applicant, stated that the proposed project had been designed in accordance with guidelines provided by the staff of the Department of City Planning; and he indicated that he had attended ten or more meetings during a six month period to discuss plans for the project. He had understood that all of the concerns of the staff had been met; and, in fact, the staff had issued a negative declaration for the project. He stated that he had spent 13 months thus far in planning for the project; and he felt that further delay would result in financial hardship.

David Langrum, an attorney, stated that he had filed a legal appeal which had eventually prevented the "House of the Flag" from being demolished; however, in taking that action, he had not intended to halt all development on the site. He had hoped that someone with imagination would come along who would be willing to preserve the "House of the Flag" and to develop the remainder of the property in a viable way. Those events had transpired four years ago; and the present applicant was the only individual who had been able to come forward with a proposal for preserving the landmark building. He stated that the "House of the Flag" needs work; and he urged the Commission to allow the applicant to move forward with his project as soon as possible.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the request for discretionary

review of the project be granted and that the discretionary review be held on Thursday, January 27, at 1:45 p.m.

CURRENT MATTER CONTINUED

Commissioner Starbuck observed that there had been some confusion as to the position of the Commission with regard to review of the proposed expansion of the Ralph K. Davies Medical Center; and he requested that the minutes reflect the fact that it was the consensus of the Commission that the medical center's proposal should be reviewed by the San Francisco Comprehensive Planning Council in the absence of any other agency with local jurisdiction over health planning facilities.

Robert Passmore, Planner V (Zoning), stated that the staff had requested comments on the proposal from known agencies with expertise in the medical field.

Commissioner Rosenblatt noted that the City Planning Commission, in considering the conditional use application for the proposed expansion of the medical center, must make a determination as to the need for the new facility; and, even if the medical center should receive an exemption from formal review by any agencies established by State or Federal law, he remarked that it would be helpful for the Commission to have the comments of those agencies as it deals with the issue of need.

CU76.45 - 3398 22ND STREET, NORTHWEST CORNER OF GUERRERO STREET.
REQUEST FOR CHANGE IN STATUS FROM NON-CONFORMING USE TO
CONDITIONAL USE TO ALLOW FOR THE ADDITION OF THREE DWELL-
ING UNITS TO BE BUILT OVER THE EXISTING STORE. (EE76.425)
(UNDER ADVISEMENT FROM MEETING OF JANUARY 6, 1977.)

Robert Passmore, Planner V (Zoning), noted that this matter had been considered by the Commission during its meeting on January 6; however, since the environmental evaluation of the application had not been completed at that time, the Commission was not in a position to take action on the application. The environmental evaluation had now been completed; and he recommended that the application be approved subject to four conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. He noted that a property owner from the neighborhood had appeared before the Commission to express concern that the proposed addition to the building might block views from her property; however, the staff had verified that the project would not result in any blocking of views from her home. After summarizing the conditions in the draft resolution, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution

be adopted as City Planning Commission Resolution No. 7641 and that the application be approved subject to the conditions contained in the draft resolution.

The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

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CITY PLANNING COMMISSION

Minutes of the Special Meeting held Wednesday, January 19, 1977.

The City Planning Commission met pursuant to notice Wednesday, January 19, 1977, at 7:00 p.m. in the auditorium of the Commodore Stockton School at 950 Clay Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Moira So, City Planning Coordinator; Robert Meyers, City Planning Coordinator; Robert Feldman, Planner III; Alan Billingsley, Planner II; John Pon, Staff Assistant III; and Lynn E. Pio, Secretary,

EE76.441 - CONSIDERATION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT ON THE PLAN FOR THE NORTHEASTERN WATERFRONT AND RELATED AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE MASTER PLAN.
(UNDER ADVISEMENT FROM MEETING OF JANUARY 6, 1977.)

Alec Bash, City Planning Coordinator, summarized the comments which had been made regarding the Draft Environmental Impact Report and the staff's responses to those comments. He indicated that the State Clearinghouse had reported the day before that no State comments would be received before the end of the review period. Therefore, he recommended that a draft resolution which had been prepared to certify the completion of the report be adopted by the Commission.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7642 and that the Environmental Impact Report be certified as complete.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CONSIDERATION OF THE PLAN FOR THE NORTHEASTERN WATERFRONT (A REVISION OF THE NORTHERN WATERFRONT PLAN) AS AN AMENDMENT TO THE MASTER PLAN.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE MASTER PLAN, TO CONFORM SAID ELEMENT TO THE PLAN FOR THE NORTHEASTERN WATERFRONT.

Charles Gill, City Planning Coordinator, summarized the changes and additions to the plan for the Northeastern Waterfront which had been proposed by the staff

for the purposes of clarification. Subsequently, he summarized the proposed amendments to the Transportation Element of the Master Plan. Commissioner Bierman stated that she intended to vote for the proposed plan amendments; however, she was concerned about the proposal to extend the Powell Street Cable Car line to Fisherman's Wharf. She indicated that she had attended a number of meetings where that issue had been discussed; and she had found the issue to be very controversial in nature. She questioned whether expenditure of public funds for such a purpose should be given priority; and, in any case, she emphasized that there would be a need for further public hearings before that project is implemented.

Commissioner Finn stated that other Municipal Railway projects do have a higher priority as far as local funds are concerned; however, the proposed extension of the cable car line would be financed with Federal Urban Mass Transportation funds.

No one was present in the audience to be heard on this matter.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7643 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby adopt as an amendment to the Master Plan of the City and County of San Francisco, the Glossary of Terms and the Objectives and Policies contained in the document entitled 'The Plan for the Northeastern Waterfront' dated December 1976, as so modified;

"AND BE IT FURTHER RESOLVED, That the 'Northern Waterfront Plan', a part of the Master Plan adopted by the City Planning Commission on June 19, 1969, is superseded and made to be of no further force or effect as of the date of this resolution, and that any provisions of the existing Master Plan, whether appearing in the text or on a map, that are inconsistent with the aforesaid Master Plan amendment for the Northeastern Waterfront are hereby declared to be of no further force and effect; and

"BE IT FURTHER RESOLVED, That the President of the City Planning Commission and the Director of Planning shall record the Commission action on this amendment, and the Secretary of the Commission is hereby directed to certify an attested copy thereof to the Mayor and the Board of Supervisors, and the Director of Planning is hereby directed to publish the amendment for distribution to the public."

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7644 be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby adopt as an amendment to the Master Plan of the City and County

of San Francisco, the deletions and additions to the Objectives and Policies of the Transportation Element contained in the document entitled 'Proposed Amendments, Transportation Element of the Master Plan of the City and County of San Francisco Regarding the Northeastern Waterfront Area', dated December 1976 consisting of one page of amendments to the Thoroughfares Plan on page 22 of the Transportation Element;

"AND BE IT FURTHER RESOLVED, That the President of the City Planning Commission and the Director of Planning shall record the Commission action on this amendment, and the Secretary of the Commission is hereby directed to certify an attested copy thereof to the Mayor and the Board of Supervisors, and the Director of Planning is hereby directed to publish the amendment for distribution to the public."

CU77.4 - SOUTHWEST CORNER OF SACRAMENTO AND STOCKTON STREETS.
REQUEST FOR PLANNED UNIT DEVELOPMENT AUTHORIZATION FOR THE MEI LUN YUEN HOUSING DEVELOPMENT, A REDEVELOPMENT AGENCY PROJECT, TO PERMIT VARIANCES FROM PARKING AND OPEN SPACE PROVISION OTHERWISE APPLICABLE TO THE SUBJECT SITE AND USE.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 200 feet on Stockton Street and 260 feet on Sacramento Street for a total lot area of 39,680 feet. The Western part of the site is zoned R-4; and the eastern part of the site is zoned C-3-G. The City Planning Commission had approved a preliminary Redevelopment Plan for the site in April, 1974; and that plan had been approved by the Board of Supervisors in June, 1974. The action taken by the Board of Supervisors had included a cooperative agreement between the City and the Redevelopment Agency which bound the City to effect any zoning changes which might be necessary to allow the project to proceed as described in the Preliminary Redevelopment Plan. The Redevelopment Agency was proposing a project which would include 175 dwelling units in five buildings. A total of 140 dwelling units would be constructed in a 13 story building, providing 25 efficiency units and 115 one-bedroom units for elderly people. The remaining 35 units consisting of two-, three-, and four-bedroom apartments, would be accommodated in four low-rise buildings. The project would also involve construction of a four-story commercial garage with a possible 200 parking spaces. The garage building would also contain approximately 7,880 square feet of commercial space for small shops facing on Stockton Street. A total of 105 off-street parking spaces, independently accessible and blocked, would be available for residents of the project. He stated that an Environmental Impact Report for the project had been certified by the City Planning Commission on April 25, 1974; and an Environmental Impact Statement which had been prepared by the Department of Housing and Urban Development was on file at the Department of City Planning. The Conditional Use Application for planned unit development authorization had been filed to obtain variances from certain provisions of the

City Planning Code to enable the project to proceed. A portion of the commercial parking garage would be located on land which is zoned for residential use; and planned unit development authorization would be required to allow such use of residentially zoned land. Whereas the City Planning Code would require 105 independently accessible parking spaces to serve the residential units being proposed, the project would provide only 54 independently accessible parking spaces for the residential units. The remaining parking spaces for the residential units would be provided in the commercial garage building which will have attendant parking instead of independently accessible spaces. That arrangement could be authorized by the Commission as part of the planned unit development authorization. Finally, the planned unit development authorization would involve modification of the rear yard standards of the City Planning Code for the proposed residential units.

Mr. Passmore stated that the Nob Hill Neighbors had filed an application on February 26, 1976, for amendment of the height and bulk districts on Nob Hill; and that application proposed to change the height limit of the subject property from 160-F to either 88-A or 105-A. That application will be the subject of a public hearing to be held by the Commission on February 9. Although the Commission must consider the request for change of the height limits on the subject property at that time, the staff of the Department of City Planning had been informally advised by the City Attorney's office that the Commission could not change the height limit on the subject property if such a change would conflict with the cooperative agreement between the City and the Redevelopment Agency.

Moira So, City Planning Coordinator, translated Mr. Passmore's comments into Chinese for the benefit of Chinese-speaking members of the audience. Throughout the remainder of the meeting Ms. So continued to repeat comments made in English into Chinese and vice versa.

President Lau stated that opponents of the project had requested permission to have a court reporter present to transcribe the proceedings; and, in accordance with the provisions of the Rules and Regulations of the Commission, he had understood that the Commission would be given a copy of the transcript when it is prepared. He also indicated that the parties involved had agreed that the Commission should depart from its standard procedure to allow opponents of the project to address the Commission first, following the presentation by the Redevelopment Agency.

Wilbur Hamilton, Acting Director of the Redevelopment Agency, introduced William Mason, Chief of the Planning Section of the Redevelopment Agency. Mr. Mason reviewed the history of the proposed project and emphasized that it had been determined that the requested variances from the zoning standards applying to the site would be necessary in order to make the project feasible. The proposed commercial parking garage would be particularly important to the project since it would provide the platform on which the housing would be constructed; and, without the garage, construction of the housing would be impossible. He noted that the Environmental Impact Report for the project had been challenged in the courts; but the courts had not sustained the ledigence claims that the Environmental Impact Report was inadequate. He emphasized that there is a need for the housing proposed; and he remarked that the variances being requested were not extraordinary for the type of project which was being contemplated.

Cynthia Jo, representing the sponsor of the proposed project, noted that the 1970 census had indicated that 5,000 new residential units are needed and indicated that the proposed dwelling units were the only Federally subsidized units which had been proposed for Chinatown in the interim period. She also emphasized that the commercial parking garage and the family units which would be located on the platform above the garage were integral to the project and urged that the Conditional Use application be approved.

Lyman Jee, President of Asian, Inc., felt that the design of the proposed project was self-explanatory; however, he indicated that some of his associates were present in the audience to answer any specific questions which might be raised by members of the Commission.

Caryl Mezey, Chairperson of the Human Rights Commission, stated that one of the major concerns of her commission involved the preservation and provision of low- and moderate-income housing. She stated that her commission had supported the proposed project since 1972 and had recently adopted a resolution urging the City Planning Commission and all other parties involved to expedite the project.

Geoffrey Giados, Attorney for the owners of 840 Powell Street, a condominium which is adjacent to the subject site, stated that his clients appreciated the need for housing and indicated that they had never been opposed to the proposed housing project. However, they had spent a great deal of money to demonstrate how a more pleasant and humane housing project could be developed without a commercial garage. He noted that a commercial parking garage had previously been proposed beneath the Chinatown playground which is only 100 yards from the subject site; and he noted that that proposal had been opposed by residents of the community and disapproved by the City Planning Commission. During the early stages of the plan preparation of the proposed project, no mention had been made of a commercial parking garage; and no mention had been made of the garage until 1974 when the Redevelopment Plan for the site was made public. That plan had included a statement to the effect that a garage structure which would be open to the public might be included in the project; but no details were given of the proposed facility. In 1974, the City Planning Commission had certified the completion of the Environmental Impact Report for the project. However, specific plans for the garage structure were not before the Commission at that time; and the assessment of the impact of such a public garage which was included in the Environmental Impact Report had been based on an indeterminate number of public parking spaces. At the present time, approximately 30.7% of the total floor space in the proposed project would be allocated to the public parking garage; and he emphasized that the garage would be a major aspect of the project. He then submitted a letter which he had addressed to the Commission which put forward arguments to the effect that the City Planning Commission has the duty and authority to make its own determinations as to whether the subject conditional use permit should be granted despite any cooperation agreement which may exist between the City and the Redevelopment Agency. The letter is available in the files in the Department of City Planning.

Mr. Giados remarked that the sponsors of the project had claimed that it would be impossible to construct the proposed housing without the commercial parking garage however, the point which he wished to make was that almost all of the negative

of the proposed project would stem from the commercial parking garage. The garage would create traffic congestion which would result in noise and air pollution and would thus have a detrimental effect on the neighborhood. He noted that the City Planning Code provides that the Commission, in granting conditional use applications, must make a determination that the proposed use would be necessary and desirable for and compatible with the neighborhood in which it is to be located; he did not feel that the commercial parking garage would meet those criteria. He felt that the garage would have a negative impact on the new residential units which were being proposed as well as the surrounding area. Again he emphasized that his clients did not object to the proposed housing or to the off-street parking spaces which would be required for that housing; however, he urged the Commission to use its Charter authority to disapprove the proposed commercial parking garage in the interest of achieving a better housing project.

Edward Wynne, Jr., representing owners of property located at 850 Powell Street, stated that his clients, also, objected to the fact that 30.7% of the floor area in the proposed project would be utilized by a commercial parking garage; and he stated that his clients had had plans prepared for a housing project which would provide more dwelling units on the site. He urged the Commission to defer action on the subject application until it has had an opportunity to review the Environmental Impact Statement which was prepared for the project; and he indicated that the environmental impact reports which he had seen to date did not adequately address the impact of the proposed commercial parking structure. He remarked that Sacramento Street carries a great deal of traffic; and, because of the steepness of the street, it is difficult for buses to negotiate. Under the circumstances, he felt that it would be "madness" to approve a commercial parking garage which would bring additional congestion to the street. He also indicated that his clients had hired consultants to prepare a report on the adverse environmental impact of the commercial garage; and he distributed copies of the report which had been prepared to members of the Commission. The report is available in the files of the Department of City Planning.

Mr. Wynne stated that his clients were not opposed to the new housing units which were being proposed; however, they were opposed to the proposed commercial garage. He remarked that a commercial garage had previously been proposed beneath the Chinese playground which is located at Sacramento and Waverly Streets; and he stated that the director of planning at that time had written a letter to the Acting General Manager of the Recreation and Park Commission, which read, in part, as follows:

"We have been advised of a proposal to develop an underground garage on the site of the Chinese Playground, located at Sacramento and Waverly Streets. While this proposal has not yet been officially referred to this Department for Planning Commission action, we have certain reservations about the project which we felt should be brought to your attention before any possible commitments or approvals are made.

"In an informal staff review, a number of problems have emerged regarding the proposed location of the parking garage. These include: limited traffic capabilities of surrounding streets; difficulties of ingress and egress from the garage; and providing substitute recreation and open space in the community during the construction period. In addition, we have received an unusual number of letters and telephone calls from residents of the area protesting the proposed use of the site.

"In view of the problems cited in our preliminary review, it is the opinion of our staff that the development of a garage on the Chinese playground site may not in the best interests of either the City of the Chinatown community. We recognize, however, that there is a need to improve the existing playground and to provide additional parking in the area. Other means of achieving these objectives might be considered."

Mr. Wynne advised the Commission that the garage beneath the Chinese playground had also been opposed by an ad hoc citizens committee and by the San Francisco Planning and Urban Renewal Association (SPUR). He stated that his clients pledged to support the proposed housing project if the Commission would disapprove the proposal for the commercial garage; and he requested the Commission to review plans for an alternate housing development for the site which had been prepared for his clients by Bolles & Associates, Architects. The plans were shown to the Commission.

Russell C. Pearson of Russell C. Pearson & Associates, a traffic engineering firm, stated that his firm had been asked by Mr. Wynne to do an analysis of the Environmental Impact Statement's treatment of the issue of traffic and parking. His report had been given to his clients on November 10; and it had contained the following opinions:

"The public parking garage element of the project, as proposed, is certain to have a substantial and adverse impact on existing and immediately adjacent, traffic flow. The degree of this traffic impact is not completely clear in the E.I.S.

"Perhaps the most important aspects of a garage's impact on the adjacent street system are its size and its style of operation. The E.I.S. recognizes these factors and suggests that the anticipated adverse traffic impacts could be mitigated by reducing the size of the garage...We agree. With all other things being equal, a reduction in garage capacity will reduce generated traffic.

"The E.I.S. also suggests that the anticipated adverse traffic impacts could be reduced by establishing a cost schedule which would discourage long term parkers...We do not agree. This mitigating measure may, in fact, have just the opposite effect. By attracting only short-term parkers, the facility may create considerable high-volume increases in traffic within the facility and on the adjacent street system."

Mr. Pearson stated that he had found no reference in the Environmental Impact Statement to the operational or economic feasibility of the commercial garage. The Environmental Impact Statement did not indicate the level of potential parking demand in the area nor did it show how the garage would physically operate. However, the final version of the Environmental Impact Statement had contained a statement to the effect that the parking structure would not be needed to make the residential portion of the project economically feasible. That being the case, he questioned why a garage of such magnitude or, in fact, any garage at all, should be included in the project. If the garage should prove to be a commercial failure, he did not know who would under-write the loss; and he felt that failure of the garage might put the entire project in jeopardy. The final Environmental Impact Statement had estimated far less one-way trips during an eight hour period than had been estimated by his firm; and, in addition, he believed that the Environmental Impact Statement over-estimated the capacity of streets in the area. For instance, the Environmental Impact Statement had found that California Street has a 500 car excess capacity during rush hours; and he felt that the excess capacity of that street during rush hours is really significantly less than that figure. He felt that the proposed garage would cause congestion on California, Sacramento, and Stockton Streets; and that congestion was not adequately analyzed in the Environmental Impact Statement. In conclusion, he expressed the opinion that both the draft and final Environmental Impact Statement left many fundamental questions unanswered.

Rai Y. Okamoto, Director of Planning, stated that it was not the responsibility of the Commission to certify the completeness of the Environmental Impact Statement; and he explained that the matter before the Commission for action was the conditional use application which had been filed by the Redevelopment Agency.

Commissioner Rosenblatt asked where the reference to the effect that the parking structure would not be needed to make the residential portion of the project economically feasible could be located in the final Environmental Impact Statement. Mr. Pearson replied that the statement was included in the response to his comments. The section in question read as follows: "insofar as economics are concerned, the parking structure is not needed to make the residential portion of the project economically feasible. Rather it serves as a means of privately financing the costs of providing the platform upon which the residential buildings will be situated."

Erwin Williams, representing Bolles & Associates, read the following prepared statement:

"What is before you tonight involves basically a question of proper land use planning. The proposed redevelopment project is a mixed-use development featuring housing, commercial activities, and a public parking garage. The question is: What is the most appropriate use of this property?

"The zoning ordinance speaks to this question, and clearly says two things about this parcel:

- "1. Most of the property is zoned for high-density residential development, which would be in accord with the prevailing pattern of existing uses to the south and west.
- "2. The corner of the site, at Stockton and Sacramento Streets, is zoned C-3-G, for general commercial uses, which is in keeping with the land uses now located at that intersection.

"But what about a public, commercial parking garage? The C-3 Downtown Zoning Study established as City policy that major public parking facilities should be on the fringe, or outside of, the downtown core. Consequently, when the zoning ordinance was amended, commercial parking facilities were included in the C-3-G zoning district, but only as a conditional use, because it wisely was recognized that parking garages have special functional requirements, and can generate numerous impacts upon their surroundings. Therefore, the conditional use provisions require that a parking garage be compatible with its neighborhood, and that it not be detrimental to persons residing or working in the vicinity with respect to the nature of the site and accessibility and traffic patterns.

"What are the development needs here at this site?

- "1. There is no question, certainly, that housing is an obvious need in the Chinatown area, for both families and elderly people. The proposal before you satisfies this need.
- "2. General commercial uses would be appropriate at the corner of the property, where they could provide services to the tenants of any housing, and also provide a continuity of use between the Chinatown area and the site. The proposal before you might satisfy this need, although plans do not show how well it does so.
- "3. What is the justification for a public parking garage at this location? The proposal is not supported by market studies and a demonstrated demand for parking here. The only justification cited for a parking garage is that it makes the housing development economically feasible. In other words, the need for parking is not supported by land use and functional considerations, nor by market-demand studies, but only in terms of financial considerations of the redevelopment program.

"It is our judgement that commercial parking is not an appropriate and wise use for this site. Russell Pearson has spoken of concerns about the potential impact of a commercial parking garage upon neighborhood streets. We think also that a public garage limits the opportunities for developing amenities for the housing, for providing easy and convenient pedestrian access, and for integrating the housing with its surrounding neighborhood.

"To our knowledge, no one has explored alternate schemes using an identical program except for the deletion of commercial parking. Our office was commissioned to do just that. Bruce Bonacker of our staff will describe another design that demonstrates what could be achieved at this site by deleting commercial parking."

Bruce Bonacker displayed and described drawings which he had prepared to reflect a proposal for alternate development of the site with housing. He remarked that his proposal would provide more sunlight for the residential units; and, in addition, the project which he proposed could be constructed quicker and occupied earlier than the project proposed by the Redevelopment Agency.

Phil Chin, representing the Chinatown Coalition for Better Housing, welcomed members of the Commission to Chinatown and invited them to take a tour of the neighborhood to see what conditions in the area are really like.

Harry Chuck, also representing the Chinatown Coalition for Better Housing, acknowledged that he had been opposed to the underground garage which was previously proposed for the Chinatown playground site; but he indicated that he had opposed that project in order to prevent the neighborhood's children from being "ripped off". Whatever techniques had been used to fight that garage had obviously been successful; and he had a sneaking suspicion that the opponents to the present project were using some of the same tactics. He advised the Commission that residents of the neighborhood, including many elderly people, had worked hard to implement the proposed project over the last five years; and he hoped that the conditional use application would be approved by the Commission. He felt that the opponents of the project should be aware of living conditions in Chinatown; and, in order to familiarize the opponents, as well as members of Commission, with the type of living conditions which are prevalent in Chinatown, he requested permission to show a film which he had made. Permission was granted and the film was shown.

Sam Wong, a property owner in Chinatown, stated that he was 100% in favor of the proposed project. He advised the Commission that people are "packed like sardines" in Chinatown; and he indicated that one building houses 204 families. He believed that neighboring property owners were opposed to the project because they felt that having Chinese neighbors would reduce the value of their properties; but that argument could be countered by the fact that property values have increased substantially as Chinese people have moved out of Chinatown into surrounding areas and other districts. In conclusion, he stated that the proposed housing is urgently needed; and he urged the Commission to approve the project.

Mr. Y.B. Leong, representing the Chinatown Coalition for Better Housing, remarked that a great number of hearings had been held and reports produced relative to the proposed project over the past six years; and he felt the time had come to take a positive step towards easing the over-crowded living conditions of elderly people in Chinatown. He urged that the housing project be approved.

Buddy Choy, representing the Presbyterian Church in Chinatown, stated that he did not disagree with the fact that the commercial parking garage would create traffic congestion; however, he felt that the need for housing outweighed the negative impact the garage might have. He remarked that the Environmental Impact Statement had indicated that approximately 2,000 letters had been received in support of the proposed project; and he felt that that volume of mail testified to the fact that there was a great deal of community support for the project. While the Environmental Impact Statement may have reflected the attitude that the commercial garage is not economically related to the housing project, the fact was that construction of the family housing would not be feasible unless the platform on top of the garage were available. Although Bolles & Associates had drawn alternate plans without a commercial garage for opponents to the project, that same firm had been interviewed by the sponsors of the project previously; and, at that time, that firm had taken the position that the only feasible means of implementing the project would be to include a 500 or 600 car garage. He stated that he had never seen the alternate plans which had been prepared; and no mention had been made of the probable cost of the alternate project. If the proponents of the alternate project wished to the additional money which would be necessary to construct a project without a parking garage, he felt that their proposal would be given more consideration. However, in the absence of such an offer, he urged the Commission to approve the project as proposed.

Kendall Hobbs, attorney for the Presbyterian Church in Chinatown, stated that he assumed that the Environmental Impact Statement had intended to point out that revenues which would be derived from operation of the garage would not be needed to subsidize the housing units; however, the fact was that the housing could not be constructed without the parking garage, given the size of the loan for the housing portion of the project.

Alan Wong, representing Self-Help for the Elderly, stated that his office is in a rooming house; and, as a result, he was very much aware of living conditions in Chinatown. He remarked that the proposed project had been discussed for six or seven years; and it was beginning to seem like an endless process. While technical opposition had been expressed regarding the proposed commercial garage, he felt the best approach would be to proceed with the proposed project and to deal with any traffic problems which may arise after the senior citizens have been moved into the new housing.

Virginia Gee, a taxpaying citizen and a resident of Nob Hill, stated that she had seen a number of housing developments such as the Comstock, be constructed with little or no opposition; and, in fact, she had been led to believe that high-rise construction is essential to progress. Under the circumstances, she wondered what were the motives behind the attempt to lower the height limits on the subject property and who would benefit from such action. She remarked that very few housing projects have been constructed for elderly or low-income people during the last 20 years. She raised a question as to whether the proposed project would have any effect on the crime rate; and she asked if further studies and delay would really solve anything. She encouraged the Commission to support the community by taking action on the proposal during the present meeting.

Donna Yick, Chairperson for the Committee for Better Parks and Recreation in Chinatown, stated that residents of the Chinatown community had been opposed to the parking garage which was previously proposed beneath the Chinatown playground because they believed that the garage would have disrupted the playground; and she felt such a proposal would still generate strong opposition from the community. The Stockton-Sacramento project had been discussed since 1972 and had received the support of the community; yet, the land still remains vacant and the proposal continues to be challenged by neighboring property owners. She urged the Commission to approve the conditional use application so that the project could proceed.

Clarence Poon, President of the Chinese Chamber of Commerce, made the following statement:

"We are very interested and concerned about the Stockton/Sacramento project and the impact that it will have on our community.

"Chinatown is unique because it is a business and residential district combined. We need off-street parking to relieve the traffic congestion and at the same time, low cost housing for the citizens in the community.

"We favor the approval of the permit being requested by Arcon, Inc. We feel their plan will provide for the additional parking that is definitely needed and will also fill the desperate need for additional low cost housing for the elderly for whom this project means so much.

"We, therefore, strongly recommend that you approve the developer's request, not only to allow a garage to be built, but also that the housing project will not be delayed any longer! Thank you."

Mrs. Huie Tak-tan, representing the elderly residents of Chinatown, stated that the government has provided for most of the basic necessities of the elderly people; but it has not provided adequate housing for them. The proposed project had been discussed for years; however, thus far, no positive action had been taken. She pointed out that both Sacramento and Stockton Streets are major thoroughfares, and, as a result, she felt that the subject property should be a good location for a major parking garage. She asked elderly individuals who were present in the audience to raise their hands if they were in support of the project and received a response which appeared to be unanimous. She urged the Commission to approve the subject application.

At 10:00 p.m. President Lau announced a 15-minute recess. The Commission reconvened at 10:15 p.m. and proceeded with the hearing.

Roderick A. McManigal, representing the property owners in the area who were opposed to the project, emphasized that no one was in opposition to providing housing for elderly Chinese people; however, the issue before the Commission was whether conditional use authorization should be granted for construction of a parking garage on the property. Initially, between 30 and 40 thousand square feet of commercial space was contemplated for a commercial parking garage. He urged the Commission to consider the consequences of approving a conditional use application for a garage of that magnitude on the subject property.

Fred Chin read the following letter which had been prepared by Thomas F. Lee, Secretary of the Chinese American Institute of Engineers:

"We support the proposed housing and commercial development from the San Francisco Chinatown viewpoint. The distribution of different housing types, townhouses and apartment units, suit the different housing needs. Its site plan creates an attractive "liveable environment" by providing roof gardens above the garage, and maintaining the fine housing texture afforded by the townhouses above the garage, functioning as houses on the ground would be similar to the good example of the Golden Gateway Project. The attractive vista towards the houses above the Stockton Tunnel, the high terrain, and the houses along the east side of Stockton Street would be complemented by the varied roofscape of the townhouses and minimum shadow cast against its Stockton Street neighbors. By setting the 11 story apartment at the west boundary the roof garden obtains maximum sun exposure, and the opportunity to create a varied clustering of houses and open space, a more stimulating pedestrian setting.

"The site has been designated for high density residential and compatible uses. Neighboring residents along Powell Street have no inalienable rights to visual access to the Bay, given the present zoning. The proposed development design of an 11 story apartment building, staggering its roof profile to 7 story, is a "good neighbor" gesture within an area where new construction has often been higher. The 7 story staggering of the apartment building allows for visual access to Powell Street residents viewing the Bay north of Clay Street.

"The street appearance created by the proposed development will be an improvement from the existing conditions where an open parking lot occupies the corner parcel. Townhouses will complement houses opposite the development along Stockton and Sacramento, maintaining the smaller

scale, while the apartment will blend with the Powell Street apartments in building height and surface texture.

"The project's visual impact to Nob Hill is unnoticeable. Observations from Mason St. would find that the apartment building would be entirely hidden behind the 840 and 850 Powell Street apartment buildings, with a tip exposed above the building at Powell and California Streets, but below the Alcoa and Embarcadero Buildings. Siting the Building at Joice St. creates an equivalent 7 story building along Powell Street, a small enough building to be completely obscured by the Fairmount Hotel across the street. The Mason Street ground elevation would be above the roof elevation of the apartment building.

"We urge approval of the PUD Application to this project having minimal adverse impacts."

E. C. Townsend, representing the owners of the building at 850 Powell Street, stated that they were not opposed to the construction of the proposed housing but that they would be opposed to construction of the commercial parking garage regardless of who intends to build it or who supports it. They felt that the garage should be eliminated and that the number of housing units in the proposed project should be increased.

A representative of Congressman John L. Burton read and submitted the following letter which had been signed by the Congressman:

"I wish to express my support for the efforts of the Chinese community to provide housing for low and moderate income elderly and families with the Mei Lun Yuen project. The need for new, decent, low and moderate priced housing is only too well-known in Chinatown, where substandard and overcrowded conditions are unfortunately a fact of life. The Mei Lun Yuen project, combining family and elderly housing with private commercial development and community facilities, will do much to address a portion of this long recognized housing need.

"I have been informed that the City Planning Commission will meet on January 19, 1977, to consider a request for 'conditional use' to build a parking garage on the site of the Mei Lun Yuen project. The garage is necessary and essential to the housing which is so critically needed. The garage will provide a platform upon which family housing can be built, allowing for a maximum amount of housing units, and making the project economically feasible in terms of HUD statutory limits. I am sure that as a Commissioner, you recognize the need and significance of this housing project to the people of this community and city. I urge you to grant the conditional use permit to build the parking garage on the site of the Mei Lun Yuen project.

"Thank you for your consideration."

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Dennis Paoletti, an acoustical consultant, stated that he had been requested to undertake an acoustical evaluation of the alternate architectural concept for the project which had been prepared by Bolles & Associates; and he had found that the building configuration of the alternate project would result in less noise problems than the project which had been proposed by the Redevelopment Agency.

A representative of Congressman Philip Burton read and submitted a letter which had been signed by the Congressman, as follows:

"I would like to take this opportunity to express my strong support for the Mei Lun Yuen housing project. The Chinese Community suffers from an acute shortage of livable low and moderate income housing for families and the elderly. Mei Lun Yuen will help alleviate some of these needs.

"I also support approval of granting a 'conditional use permit' for a garage at the site. Approval is crucial to the feasibility and success of this project.

"Again, I wish to express my support and for this project and approval for a 'conditional use permit' for a garage at the Stockton-Sacramento site."

Harry Wong remarked that people in the community had been working for six years to achieve the proposed project; and he felt that they were not opposed to the new housing which was being proposed, they had consistently spoken against the project for one reason or another.

Donald Wong, representing some concerned citizens of Nob Hill, emphasized that the proposed commercial garage would be an integral part of the project and that the project would be jeopardized if the garage were deleted. He also stressed the need for housing in Chinatown. He stated that the Ping Yuen Housing Project has a two to three year waiting list. The owners of properties at 840 and 850 Powell Street were opposed to the project; but those individuals did not represent all of the people who live on Nob Hill. He felt that the Commission should look at the broader concerns of the community and should not focus on the concerns of a very few individuals.

Stan Yee, representing the Chinese Hospital Board of Directors, emphasized the need for decent, livable housing in Chinatown. He advised the Commission that some people have waited as long as nine years to get into the Ping Yuen Housing Project in spite of the fact that that project does not provide the most desirable sort of housing. He felt that each neighborhood should be allowed to determine what type of development it wants; and he believed that the Chinese community had waited too long for the proposed project. He hoped that the Commission would not further delay the development.

Isabel Huie, representing Chinese for Affirmative Action, stated that the housing needs of the Chinese community have never been adequately met; and she urged the Commission to be sensitive to the density, language, and other problems of Chinatown and to the people who live there who cannot afford decent housing on the open market.

Gordon Chin, representing the Chinatown Coalition for Better Housing, remarked that opponents to the project were beginning to sound like a "broken record". For years they had been saying that they were not opposed to housing; but they had consistently been opposed to the project. The reasons cited for their opposition over the years included view blockage, the loss of trees which exist on the site, the effect of the project on property values in the area, fear that the project would cast a shadow on the neighborhood, the architectural design of the project, and finally, the commercial parking garage. He believed the opponents were opposed to the housing and that they always had been; and he predicted that if the garage were removed from the project they would find some other reason to be opposed to the proposed housing development.

Phil Chin stated that other individuals who had intended to speak in support of the project had agreed to waive that privilege because of the lateness of the hour. However, he indicated that he did wish to read the following letter which had been addressed to the Commission by Sam Yuen:

"I am writing to you with regards to the Stockton/Sacramento Redevelopment Project. I have worked with the elderly of Chinatown for many many years. Although I am no longer with Self-Help for the Elderly, I remain intamely aware of and deeply concerned with their problems and frustrations.

"For the last six years, the elderly have fought zealously for the improvement of the deplorable housing conditions that exist in Chinatown. They have overcome obstacle after obstacle with extraordinary and exemplary courage only to be faced with another stumbling block. They have attended countless hearings only to have more hearings to attend. They have pleaded, advocated, and testified until patience grows weary. Tonight, we have yet another hearing, another issue, another obstacle, another threat of frustration before us.

"There seems to be serious concerns about the impact that the project will have on the surrounding environment; concern that the project will obstruct views, that it will cause noise, pollution, and congestion.

"Many studies have been conducted to determine the project's adverse affect on the environment with no conclusion of serious impacts; yet these concerns persist.

"If these concerns are more important than the concerns of the elderly for decent housing, then the request for the conditional use permit should be denied. If the wealthy should enjoy their unobstructed views of the bay at the expense of the poor and elderly who must live in squalor and suffering then the garage should not be approved. But if you feel any sympathy and compassion for the poor and elderly, there should be no question as to your course of action. If you, as members of the Planning Commission, act to delay the project any longer, you are inflicting a gross and unconscionable injustice on the poor and elderly, not only in Chinatown, but in all of San Francisco. An injustice perpetrated on one community is an injustice that will affect all communities.

"I ask that you will be guided by reason, and that you will act with compassion; I urge you to approve the request so that the project will not be delayed any longer."

Lemmel Jen stated that he had always been opposed to the height limits which currently apply to Chinatown. Stockton Street, for instance, is subject to a 105 foot height limit; but Powell Street, which has the same width, is allowed to have higher height. He stated that it is not economically feasible to build ten story buildings; and, as a result, no new housing has been constructed in Chinatown since 1968. At least 5,000 new dwelling units are needed to fulfill the needs of the community; and the proposed project would provide less than 200 dwelling units. While a few Nob Hill property owners were opposed to the project, he advised the Commission that he owns apartment houses on Nob Hill and that he had never been consulted by the individuals who purported to represent the interests of Nob Hill property owners; and he urged the Commission to approve the project so that a few new units of housing can be made available for the poor people of the community.

Terry Covert, representing the Nob Hill Neighbors, recognized that housing is an important issue throughout the city; and he realized the need for good housing in Chinatown. However, he hoped that there would be some way to provide new housing other than in high-rise buildings. He was also concerned about the proposed project because of the effect which it might have on the Sacramento Street bus line which serves other parts of the city. He noted that the proposed revisions to the Transportation Element of the Master Plan which are currently under consideration by the Commission would call for the conversion of existing commercial garages from long-term to short-term uses as opposed to constructing new short-term facilities. In addition, the revised policies would give priority to actions which would make public transit more convenient; and he doubted that the proposed commercial garage facility would fall into that category. He indicated that the members of his organization feel that urban design is important and that people living on Nob Hill should have the right to protect their investment; and, as a result, he hoped that a compromise could be achieved. He remarked that a great deal of time and money had been spent on the Urban Design Plan; and he felt that the proposed project would conflict with policies enunciated in that plan. Furthermore, the design of the

project would obviously not be compatible with adjacent development; and, therefore, he hoped that a compromise could be achieved. Linda Wang felt that it was odd that Mr. Covert had directed his comments towards property values rather than human needs; and she stated she resented the fact that he had filed an application to lower height limits on Nob Hill and the subject property, both of which are considered to be the territory of the Chinese community. While she acknowledged that it might be possible for Mr. Covert and his association to hold up the proposed project, she felt that if they had a sense of compassion they would support the proposal. She advised the Commission that the community was not supporting the project so that its sponsor would make a profit; they were supporting it because housing is needed in Chinatown. If the sponsor should make an unusual profit from the project, she indicated that she would expect him to make significant contribution to further the welfare of the community.

President Lau stated that Melvin Lee, a newly appointed member of the Redevelopment Agency, had asked that the record indicate that he was in support of the project.

Rai Y. Okamoto, Director of Planning, stated that important concerns are addressed in the Urban Design Plan. However, the objectives and policies of that plan are oriented towards the physical appearance of the city; and he believed those objectives and policies should be interpreted in the context of social and economic realities. He suspected that the Commission will occasionally be faced with instances in which needed facilities will not be economically feasible without mixed uses which might otherwise not be desirable; and he felt that the subject project was of that nature. He recommended that the conditional use application be approved subject to six specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. He then asked Mr. Passmore to summarize the conditions. Mr. Passmore summarized the conditions and responded to questions raised by members of the Commission.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7645.

The Meeting was adjourned at 11:40 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO

CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 20, 1977.

The City Planning Commission met pursuant to notice on Thursday, January 20, 1977, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Lucian Blazej, Planner IV; Alan Lubliner, City Planning Coordinator; Jonathan Twichell, Transit Planner III; Nathaniel Taylor, Planner III; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the Special Meeting of November 9, 1976, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, congratulated Commissioner Starbuck on his recent re-appointment to the Commission.

The Director distributed copies of an Analysis of the Economic Impacts of the Proposed Change in San Francisco Residential Zoning and indicated that the consultants who prepared the report will make a formal presentation of the report to the Commission in February.

The Director reported on actions taken by the Board of Permit Appeals at its meeting on Wednesday evening, indicating that no issues in which the Commission had been involved were considered by the Board.

At this point in the proceedings Commissioner Dearman arrived in the meeting room and assumed her seat at the Commission table.

The Director announced that a field trip will be scheduled at 12:45 p.m. on Thursday, January 27. The Regular Meeting on that date will start at

1:45 p.m. The Director also reminded the Commission of the Special Meeting scheduled on Friday morning, January 28, at 9:00 a.m. for review of the proposed 6 year Capital Improvement Program.

The Director reported that the Board of Supervisors had again postponed consideration of an appeal from the Commission's revocation of authorization for a kennel at Washington and Fillmore Streets (Pets Unlimited). The matter is now scheduled to be heard next Monday.

The Director advised the Commission that the Planning, Housing, and Development Committee of the Board of Supervisors, meeting on Tuesday, had recommended approval of the proposed sign ordinance for Market Street and the Rehabilitation Assistance Program for the Upper Ashbury District. The proposed ordinance requiring removal of billboards along Market Street from the Embarcadero to the Central Skyway Overpass and a proposed resolution urging the Port Commission to cease approving applications for billboards on Port properties had been sent to the full Board without recommendation because the Committee's deliberations on both matters had resulted in tie votes. The Director stated that the committee had also considered a proposed ordinance which would restrict the location of adult book stores and adult theaters. That matter has been referred to the City Planning Commission and will be considered by the Commission on February 10 at 4:30 p.m.

The Director indicated that he understood that Supervisor Feinstein intends to introduce a resolution into the Board of Supervisors which would call for designation of the area between the Ferry Building and the North China Basin as a Redevelopment Study Area.

Commissioner Starbuck stated that he had learned that several new construction projects are being contemplated in the Presidio. He asked that the staff meet with representatives of the Presidio to discuss the proposed projects and that it be prepared to report back to the Commission on February 10.

Commissioner Rosenblatt, noting that the Commission had acted on the previous evening to adopt the revised Plan for the Northeastern Waterfront, suggested that it would be appropriate for the Commission to direct that a letter be sent to the members of the Northern Waterfront Planning and Advisory Committee expressing appreciation for the assistance which the Committee has given to the Commission during the past seven months. It was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that letters expressing the appreciation of the Commission be sent to the members of the committee.

The Director reported that the staff of the Department of City Planning was meeting with the Community Development Citizens Advisory Committee that afternoon to report on the status of community development projects being carried out by the Department.

ELECTION OF OFFICERS

Commissioner Dearman nominated Commissioner Lau for re-election to the office of President of the City Planning Commission. The nomination was seconded by Commissioner Bierman. It was then moved by Commissioner Bierman and seconded by Commissioner Dearman and carried unanimously that the nominations be closed. When the question was called on the nomination of Commissioner Lau, the Commission voted unanimously to re-elect Commissioner Lau to the office of President of the City Planning Commission.

President Lau then called for nomination for the office of Vice-President of the City Planning Commission. Commissioner Bierman nominated Commissioner Rosenblatt for re-election to this office. The nomination was seconded by Commissioner Dearman. As no further nominations were forthcoming, it was moved by Commissioner Starbuck, seconded by Commissioner Elliott, and carried unanimously that the nominations for the office be closed. When President Lau called for the vote on the nomination of Commissioner Rosenblatt to the office of Vice-President of the Commission, Commissioner Rosenblatt was unanimously re-elected.

DISTRIBUTION OF PART II, ACTION PLAN, OF TRANSPORTATION PROGRAMS AND STRATEGY REPORT.

Alan Lubliner, City Planning Coordinator, indicated that the report was not yet available but that it would be mailed to members of the Commission on January 21. The report will be considered during the meeting of February 3.

At this point in the proceedings, Commissioner Finn arrived in the meeting room and assumed his seat at the Commission table.

ADOPTION OF NEIGHBORHOOD CENTER FACILITIES PLAN
(UNDER ADVISEMENT FROM MEETING OF DECEMBER 16, 1976.)

Lucian Blazej, Planner IV, reported on this matter as follows:

"Based on public testimony and concerns expressed during public review of the draft Neighborhood Center Facilities Plan, the following plan revisions are being recommended by staff for your consideration:

"1. It is recommended that the last paragraph of Policy 2 under Objective 2 (page 20 of the plan) be revised to read...'There are several alternative approaches for assigning administrative supervisory responsibilities, including assumption of responsibilities by an experienced private agency acting for the City, use of an existing agency of local government, or creation of a new public agency.'

"This revision clarifies how City owned neighborhood centers should be supervised to protect the City's interest in these facilities.

"2. It is also recommended that a new Policy be added under Objective 2 to read...'Provide an effective and responsible management structure for each neighborhood center.

'Effective center management and administration is essential if the many and varied needs of a neighborhood are to be met. The various center programs and activities must, in addition to being responsible to neighborhood needs, be compatible, coordinated and scheduled to match user needs. In addition, provision must be made for on-going facility operation, maintenance and administrative management.

'There are several alternative approaches for assigning neighborhood center management responsibility, including having one agency/service provider within each center take the lead and assume this responsibility, contract with an independent firm for center management service, or management by a non-profit corporation responsible to either a community board or a coalition of service providers located within the neighborhood center.'

"This revision expresses our policy for alternative approaches for the internal management of individual centers.

"3. It is further recommended that the following be added to the Criteria for Neighborhood Center Location (page 22)...'Centers should be located so that center related activities and center use are compatible and supportive of adjacent land uses, and do not disrupt nor detract from adjoining uses.'"

President Lau asked if any members of the audience wished to address the Commission on this matter and received a negative response.

Mr. Blazej distributed copies of a draft resolution which had been prepared for adoption of the Neighborhood Center Facilities Plan, with the modifications mentioned during his presentation, as an element of the Master Plan of the City and County of San Francisco.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7646 and that the Neighborhood Center Facilities Plan, as revised, be adopted as an element of the Master Plan of the City and County of San Francisco.

REPORT ON OCEAN AVENUE COMMERCIAL REVITALIZATION

Nathaniel Taylor, Planner III, presented and summarized the report which had been prepared by the staff of the Department of City Planning in conjunction with the San Francisco Development Fund. He then responded to questions raised by members of the Commission. The report is available in the files of the Department of City Planning.

Commissioner Bierman, noting that the plan emphasized the importance of concurrent residential rehabilitation in conjunction with the revitalization of the Ocean Avenue commercial district, asked if a code enforcement plan was being contemplated in adjacent residential areas. Mr. Taylor replied in the negative, indicating that the proposal was for a voluntary program with informational assistance being provided to interested homeowners.

Commissioner Dearman remarked that the report was generally well prepared. However, in discussing population changes which have taken place in the neighborhood, language which had been used in the report seemed to imply a correlation between and increase in the number of minority people living in the area and the present instability of the neighborhood; and she felt that the staff, in writing its reports, should be more careful about the wording it chooses.

Commissioner Bierman, a resident of the Haight-Ashbury neighborhood, remarked that some people had expressed the opinion that the Haight Street commercial district had deteriorated as a direct result of an increase in the black population of the area; however, the real reason for the deterioration was that a new supermarket had opened on a nearby location and had taken business away from Haight Street. In the case of the Ocean Avenue District, she felt that the deterioration of the commercial district could be correlated with the development of the Stonestown Shopping Center.

Mr. Taylor indicated that he would review the report and would remove any language which might be interpreted to have racial overtones.

Commissioner Bierman asked if a public hearing would be held on the report. Mr. Taylor replied that the report had been distributed to merchants along Ocean Avenue. Although a public hearing may be scheduled at a later date, the first step would be to solicit comments from the merchants.

Commissioner Bierman stated that she continued to be concerned about code enforcement programs; and she indicated that there might be a better use for whatever funds might be available.

Rai Y. Okamoto, Director of Planning, emphasized that the thrust of the report was aimed at physical improvement for the Ocean Avenue commercial district; however, it was hoped that improvement of the commercial district could be accompanied by a program which would assist residential property owners in the area to improve their properties, also.

Don Ralya, Administrator for the San Francisco Development Fund, stated that his organization had budgeted \$200,000 of private money for work in the neighborhood through June of this year; and he expected that an additional \$100,000 would be budgeted for the year commencing on July 1. Through the Housing Conservation Institute, his organization planned to undertake a demonstration program to show that a voluntary rehabilitation program might be successful in the residential area adjacent to Ocean Avenue at minimal cost. The program would provide homeowners with professional guidance which would help them to obtain bids from reputable contractors and to deal with financial institutions. The program would be administered through and with the support of appropriate neighborhood organizations. In reply to a question raised by Commissioner Rosenblatt, Mr. Ralya stated that the money being spent by his organization is being used basically for the hiring of professionals to provide advisory services to residents of the neighborhood. The funds had also been used to prepare the report which had been presented to the Commission.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Roger Miles, President of the Ocean Avenue Merchants Association, stated that the neighborhood has had some problems with racial relations; and he felt that it would be foolish to deny that fact. He felt that there had been a dramatic shift in the racial composition of the neighborhood, particularly in the Ingleside District; and, although Safeway Stores, Inc. had not expressed its position publicly, they had admitted at private meetings that they do not wish to continue operation of their store on Ocean Avenue because of the population changes which have taken place in the neighborhood and because of the increased crime rate in the area. On the other hand, he indicated that at least 50% of the members of the Ocean Avenue Merchants Association are minority people; and he reported that all of the members of the association get along quite well together. He remarked that merchants on Ocean Avenue pay taxes; and, in return, he felt that they should receive more visible police protection and litter containers from the City.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE TRANSPORTATION ELEMENT OF THE MASTER PLAN OF SAN FRANCISCO REGARDING PARKING.
(PROPOSED AMENDMENTS WERE PRESENTED TO THE CITY PLANNING COMMISSION ON NOVEMBER 9, 1976, AND SUBSEQUENTLY REVISED.)

Alan Lubliner, City Planning Coordinator, indicated that the proposed amendments to the Transportation Element of the Master Plan with regard to parking had been presented to the Commission on November 9, 1976 and had been

available for public review since that date. In the interim, a revision had been made to the map on page 5A of the report indicating that properties in the vicinity of the Ferry Building would be subject to policies enunciated in the Northeastern Waterfront Plan.

William Sommer, an attorney for the owners of several non-profit garages in San Francisco, indicated that Edward Lawson, Planner for the San Francisco Chamber of Commerce, had indicated agreement with most of the remarks which he intended to present to the Commission. However, while Mr. Lawson had not felt that the notice of the public hearing which was stapled inside the front cover of the report was sufficient; he was satisfied that good and adequate notice had been given. Whereas the parking study which had previously been prepared by the staff of the Department of City Planning had tended to acknowledge countervailing considerations, the proposed amendments to the Transportation Element of the Master Plan seemed to be tremendously one-sided in nature. Furthermore, the proposed revisions offered no explanation as to why the proposed parking efficiency proposals were better than countervailing factors which had been mentioned. He urged the Commission not to adopt the revisions until those problems have been clarified. He noted that Objective 1 of the Downtown Transportation Plan used to read as follows: "Provide for the role of downtown as the primary financial and administrative center for the region." However, that language had been deleted and the following language had been inserted: "Maintain the type and level of transportation facilities and services appropriate to enhance the economic vitality of the downtown business and shopping district." Instead of opening the policy with "maintain" he suggested that the word "improve" should be substituted. In addition, Policy 2 of the Downtown Transportation Plan had previously been worded to encourage short-term use of parking facilities adjacent to the downtown core; but that policy had been altered to encourage short-term use of the existing parking facilities within and adjacent to the downtown core. He stated that the individuals whom he represented had relied on language which had previously been in effect and had made a proposal to the Board of Supervisors for construction of a parking garage on the periphery of the downtown core near the Embarcadero; and he was troubled by the fact that the revised language might inhibit the implementation of the project.

Commissioner Starbuck addressing himself to the issue raised by Mr. Sommer pointed out that the basic approach of the staff report was enunciated on Page 3 of the report in a sentence which read, in part, as follows: "While the private automobile will continue to play an important role in personal mobility, transportation management can affect the patterns of use of the automobile so that a city like San Francisco can maintain a liveable environment." He then asked if Mr. Sommer considered the Embarcadero site of the proposed parking garage to be on the periphery of the downtown core area given recent construction activity in the immediate area. Mr. Sommer replied that the property is peripheral to the downtown core area in the sense that it is located near the waterfront.

Stewart Bloom made the following statement:

"I believe that I have been at every public hearing on this parking plan since its beginning in 1972, and I am pleased with the proposed revisions that are before you today. I hope that you will be quick to adopt them, and strict in their implementation. It will be a waste of time, money and San Francisco if you don't.

"The one point that this plan doesn't question, that I and others have raised over the five years of hearings; is not talking about parking only a symptom of a greater ill? The greatest part of this plan, hence the greatest cost to the taxpayers of San Francisco, is what to do with the commuter? More than 60% of the San Francisco work force comes from other counties, and if the growth figures on page 3 and 4 are correct, we, the taxpayers of San Francisco, are going to be paying a lot of money directly and indirectly to support the city services for these non-resident workers. You cannot cure the problem in San Francisco of jobs, environment, cost-of-living, and the like, by treating a symptom only. The real problem of Manhattanization must be dealt with. Hopefully this Planning Commission will do it!"

Mr. Lubliner responded to two of Mr. Sommer's comments. He stated that the policy concerning parking peripheral to the core was still being recommended and could be found at the top of Page 4, and that the two policies--the first on conversion of existing spaces within the core and the second on provision of parking peripheral to the core--were seen as working together. Mr. Lubliner noted, however, that the policy on peripheral parking did not necessarily solve Mr. Sommer's concern about the proposed Mission (Embarcadero)/Stewart Streets garage site. Mr. Lubliner then noted that the kind of two sided debate which Mr. Sommer had found desirable in the document discussed at the November 9 hearing was an appropriate format for a parking study, which of necessity sought to look at the whole transportation system solely through the viewpoint of parking and had to justify its resulting conclusions. However, once having aired that debate and discussed both sides, it was necessary to make a choice and chart direction for the future. The proposed parking amendments thus 1) reflect the fact that as a result of the parking study a choice has been made, and 2) are designed to fit in the format of the current transportation element of the Master Plan which already has policies concerning transit, throughfares and other aspects of downtown. The parking policies are thus made consistent with the Transportation Element and the rest of the Master Plan.

No one else was present to be heard on this matter.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that Resolution No. 7647 be adopted and that the proposed amendments to the Transportation Element of the Master Plan be approved.

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, January 27, 1977.

The City Planning Commission met pursuant to notice on Thursday, January 27, 1977, at 100 Larkin Street at 12:45 p.m.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Susan J. Bierman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Robert Feldman, Planner III; Douglas Holmquist, Planner II; and Lynn E. Pio, Secretary

Donald Canter represented the San Francisco Examiner.

12:45 P.M. FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:45 P.M. to take a field trip to properties which are scheduled to be considered during February.

1:45 P.M. - 100 LARKIN STREET

DR77.7 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 454655
FOR A 64-UNIT APARTMENT BUILDING AT 1652 TAYLOR STREET.

Robert Passmore, Planner V (Zoning), described the subject property as an irregularly shaped parcel of slightly greater than one-half acre with frontages of 67.5 feet on Taylor Street, 246 feet on the Vallejo Street Steps and a depth of 137.5 feet on the east property line. The "House of the Flag", a designated Landmark, occupies the portion of the site at the corner of Taylor and Vallejo Streets. Immediately downhill and to the east of that structure is an area containing a number of substantial trees. The remainder of the site is open land. Fallon Place, a dead-end pedestrian way with stairs, bounds a portion of the site on the south. The portion of the site occupied by the "House of the Flag" is subject to a 40-X height and bulk limit. The remainder of the site is subject to a 65-A height and bulk limit. The property is zoned R-4 and is proposed to be reclassified to R-M-1 under the residential zoning changes initiated by the Commission on May 20, 1976.

Mr. Passmore stated that the "House of the Flag" was designated as a Landmark on May 12, 1972. Since that time, several proposals for the site had been made retaining or demolishing the landmark structure as part of the proposed development. The staff of the Department of City Planning had first become aware of the current

development proposal in June, 1975. At that time, the applicant's architect was provided with guidelines which indicated criteria to be considered for any development on the site. When the building permit application was received on December 16, 1975, the plans called for conversion of the "House of the Flag" into eight apartment units and construction of a 69-unit apartment building with studio apartments. Subsequently, the architect for the applicant met with a concerned neighborhood group, the Russian Hill Affiliates; and, in response to their concerns and concerns which had been expressed by the staff of the Department of City Planning, the project was modified to incorporate the largest tree on the site within a light-well in the new structure, to reduce the number of units to 64, and to increase the number of off-street parking spaces from 70 to 98. On May 19, 1976, a letter requesting discretionary review of the project was received from the Russian Hill Affiliates. Plans for the project were reviewed by the Landmarks Board in June, 1976, resulting in modification to the proposal so that a physical separation between the "House of the Flag" and the proposed new structure would be provided. A Certificate of Appropriateness for the modifications proposed for the "House of the Flag" was approved by the City Planning Commission on July 1, 1976, under Resolution No. 7523. An application for a variance from the City Planning Code Requirement for a 108 foot rear yard was considered by the Zoning Administrator at a public hearing on July 21, 1976; however, no decision has yet been published. On January 13, 1977, the City Planning Commission had considered and granted the Russian Hill Affiliates' request for a discretionary review.

Tak Enomoto, the applicant, noted that the subject building permit application had been filed in December, 1975; and he emphasized that the Commission had not initiated reclassification of the property to R-M-1 until May 20, 1976. Therefore, at the time that the building permit application was filed, a total 125 dwelling units could have been developed on the property; and he remarked that the 69-units which he had proposed to construct would have resulted in a project which would have had a density considerably lower than that which would have been permitted. He acknowledged that he had received guidelines for development of the site from the staff of the Department of City Planning; and, since he had had no desire to construct a high-rise building on the property, he had followed the guidelines as closely as possible. He noted that the proposed building would have a variable roof line so that it would not have the appearance of a single large building; and he remarked that roof-top areas of the building would serve as open space. He stated that the R-4 zoning of the site would have permitted the parking garage to be in the rear yard area of the property; and, as a result, the variance application which was pending before the Zoning Administrator was simply requesting relief from the interim zoning standards which apply to the property. He acknowledged that more uniformity could have been reflected in the project if the landmark building occupying the site were to be demolished; however, he had worked hard to come up with a plan which would allow the building to be preserved with sufficient air space around it to give it a proper setting. He also noted that he had reduced the density of the new building from 69-units to 64-units; and, in addition, he had made provisions for retention of the largest tree on the site in a light-well in the new building. In conclusion, he stated that the proposed project had been subject to an environmental evaluation by the staff of the Department of City Planning which particular emphasis being given to the impact of the proposed

garage structure; and that evaluation had resulted in the issuance of a negative declaration.

Commissioner Starbuck asked if the proposed dwelling units would be rented or sold as condominiums. Mr. Enomoto replied that the units in the "House of the Flag" would be rented and that the others would be sold as condominiums.

Commissioner Starbuck then noted that the present plans for the new building indicated that it would contain 2 two-bedroom units, 18 one-bedroom units, and 44 studio apartments; and he asked why so many studio apartments were being proposed. Mr. Enomoto replied that construction costs make it difficult for people to buy condominium units; however, smaller units containing 600 to 800 square feet of floor area could be sold for prices ranging from \$45,000 to \$60,000. He stated that there is a market for such units; and, in preparing plans for the project, he had focused on that market.

Commissioner Dearman asked how much the two-bedroom condominium apartments would cost. Mr. Enomoto replied that plan and construction costs plus a reasonable profit of approximately 10% would bring the price of two-bedroom units up to \$160,000.

Commissioner Starbuck observed that it is still possible to purchase two-bedroom condominium units for less than that amount; however, he acknowledged that they may not be available at that price next year.

Commissioner Rosenblatt inquired about the amount of open space which would be provided on the site. Mr. Enomoto replied that the open roof-top areas would count as open space; and, as a result, the amount of open space available would be close to 100% of the size of the site. Mr. Passmore indicated that the only portion of the site which would be open at ground level would be adjacent to the "House of the Flag".

Mr. Passmore stated that William P. Farnsworth, Chairman of the Russian Hill Affiliates, had addressed a letter to the Commission indicating that he would not be able to be present at this meeting but expressing continuing opposition to the proposed development, primarily in terms of density and parking congestion.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, remarked that the "House of the Flag" had been designated as a Landmark in 1972. At that time, it had been noted that there was an accumulation of property in the block under a single ownership; and it was feared that the building might be potentially threatened. Since that time, no money had been spent to improve the building. A previous owner of the property had filed for a demolition permit to demolish the building; however, a private citizen had taken the matter to court and had obtained a ruling to the effect that an Environmental Impact Report would be required before the demolition permit could be issued. Subsequently, the property had been sold to the present applicant who had expressed a willingness to try to preserve the building. She felt that the building is very important historically and that it is also architecturally significant; and, on behalf of the Landmarks

Preservation Advisory Board, she urged that the subject building permit application be approved so that the applicant could proceed with the project which would involve the retention of the "House of the Flag".

Mrs. Selix, owner of property on Taylor Street, stated that she had lived in the neighborhood since 1944; and she indicated that she had not previously been aware of why the building on the site has been referred to as the "House of the Flag". She stated that she was opposed to the project.

David Langum stated that he had filed the lawsuit which had resulted in the ruling that an Environmental Impact Report would be required for a permit to be issued for demolition of the "House of the Flag"; however, it had not been his intent to preclude development of the property. He emphasized that the landmark building is in need of considerable work; and he felt that the only way that it could be saved is if it is incorporated into a project such as the one proposed. He felt that the applicant should be commended rather than criticized for his efforts; and he indicated that he was strongly in support of the proposed project.

Mr. Thurston, a resident of the neighborhood, stated that he would be supportive of the proposed project if the applicant were willing to reduce the number of units to approximately 30 and if the plans could be revised so that the atmosphere of Fallon Place would not be destroyed. He remarked that the dead-end portion of Vallejo Street is constantly filled with parked automobiles; and he felt that the parking demand which would be generated by the proposed project would create a serious parking problem in the area. He suggested that the plans should be modified to limit development to the center of the site at a height not to exceed that of the "House of the Flag"; and, in addition, he believed that the existing shrubbery along Fallon Place and views from Taylor Street properties looking eastward should be preserved.

A resident of the neighborhood asked how many views would be blocked by the proposed project. Mr. Newell, owner of property at 7-9 Fallon Place, estimated that views would be blocked from existing buildings on three properties on Fallon Court and Taylor Street, in addition to the blockage of views from the "House of the Flag". The resident who had raised the question stated that she felt that some consideration should be given to the effect which the proposed project would have on people who already reside in the area.

Mr. Enomoto stated that he had already reduced the number of units in the proposed building in order to preserve the existing views. He stated that he was cognizant of the view problem and indicated that he would do anything which he could to resolve the problem.

Mr. Newell stated that the proposed building would reach to his easterly property line; and, as a result, it would destroy the view from his property. He emphasized that the subject site is not a single lot but a collection of smaller lots; yet, the proposed project had been designed as if the property were a single lot. When he had learned of the proposed development, he had tried to sell his property and had received four offers; however, when the perspective purchasers

had learned of the proposed development, they had lost interest. He recognized that the subject site is a valuable piece of property and that it must be developed; however, he felt that it would be ludicrous to ruin the value of his property merely to enable the applicant to construct a few extra units in the rear yard area of the adjacent lot. He noted that the Commission had initiated a "down zoning" of the subject property on May 20, 1976; and he felt that that action represented a clear statement to the effect that the Commission was of the opinion that the properties should be used for lower density development. Personally, he felt that development consisting of 30 or 40 units designed in a stepped-down fashion would be acceptable. In conclusion, he advised the Commission that he holds an easement over one of the lots which the applicant had proposed to develop.

Charles Morgan, attorney for the applicant, stated that Mr. Newell had agreed to give up the easement in exchange for a commitment from the applicant to pave Fallon Place. Mr. Newell explained that there were two easements; and he indicated that no agreement had been reached concerning a five foot easement from his property to Vallejo Street.

Mr. Enomoto, noting that the issue of parking congestion had been raised, pointed out that he was proposing to provide 98 off-street parking spaces on the site whereas only 70 off-street parking spaces would be required by the City Planning Code; and he indicated that the additional parking spaces would serve guests and delivery vehicles.

Steve Kendrick, owner of property at Broadway and Taylor Streets, stated that he was in favor of preserving the "House of the Flag"; however, he felt that the Commission should also have some concern about the nature of the project being proposed. In his opinion, the density of the proposed project was too great; and, in addition, the project would over-shadow the landmark building. He remarked that the proposed project would almost totally cover the site; and he found it impossible to believe that the number of units proposed could not be reduced. While the applicant had claimed that the requested variances from Planning Code standards would be required to make the project economically feasible, he felt that the real purpose of the variances was to "wring the last ounce of potential" out of the property.

Mr. Morgan stressed that 125 units would have been permitted on the site when the application was filed; and he felt that his client had done a remarkable job in developing plans which would reduce the number of units to almost one-half that figure. The zoning standards initiated by the Commission on May 20, 1976, would reduce the density permitted on the property by approximately one-half again; but he believed that there would be real economic problems involved in trying to develop the property at that density. He noted that the subject property had been vacant for some time; and, as a result, the City has been deprived of tax revenue. The proposed project would provide tax revenue; and, in addition, it would preserve a landmark building. He urged that the application be approved.

Ginger Lowe, 906 Green Street, stated that she had lived in the neighborhood for 25 years and had never heard the building on the subject property referred

to as the "House of the Flag" until the building was considered for landmark designation. She stated that the building had been used as a house of prostitution; and she felt that it was not worthy of being designated as a Landmark. At the present time, the building is boarded up and is a disgrace to the neighborhood. She could see no value in preserving the building; and she felt that the project which was being proposed would make the subject neighborhood an impossible place to live.

Mr. Passmore stated that the staff had not yet prepared a recommendation for the Commission on this matter; and he recommended that the matter be taken under advisement until the meeting of February 3. He noted that the project had been designed in accordance with guidelines which had been provided by the staff of the Department of City Planning; and he stated that the staff had indicated its approval of the project in the past. Under the circumstances, he remarked that it would be helpful for the staff in preparing its recommendation to have any comments which members of the Commission might wish to offer regarding the proposal.

Commissioner Rosenblatt asked how the proposed project would be affected if the requested rear yard variance were not granted by the Zoning Administrator. Mr. Passmore replied that the applicant's proposal was to provide additional parking spaces beyond those required by the Code in the backyard area; and those parking spaces as well as required spaces would have to be eliminated if the variance were not to be granted. However, he expected that a variance would have to be granted in any case to permit a driveway across the rear yard area of the lots to the parking structure.

Commissioner Starbuck stated that he was concerned about the predominance of studio units in the proposed project. While he recognized that there may be a market for such units, particularly in view of the proximity of the property to downtown, he believed that a project with the density of the one being proposed would be inappropriate in the subject neighborhood. While he recognized that economic concerns may be a controlling factor, his personal observation was that the project should be oriented towards one-bedroom units rather than studio apartments. He felt that studio units would encourage transiency in the subject residential neighborhood; and he believed that changing the mix of units in the project to include more one-bedroom units might help to preserve the stability of the neighborhood.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that the public hearing on this matter be closed and that the matter be taken under advisement until the meeting of February 3, 1977.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, announced that a meeting of the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman

has been scheduled for next Thursday, February 3, at 11:30 A.M. at 100 Larkin Street. The Committee will discuss the proposed ordinance which would control the location of adult bookstores and theaters. The ordinance, drafted by the City Attorney, was transmitted to the Commission by the Board of Supervisors for review and comment.

The Director also announced that the Budget and Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman, Lau) will meet next Wednesday, February 2, at 11:00 A.M. to review and discuss the Department of City Planning's proposed work program and budget for the next fiscal year.

The Director indicated that a request had been received from Doggie Diner, Inc. that the Commission reconsider a condition established by Resolution No. 7537 adopted on August 5, 1976, which would prohibit automobile egress and ingress from Mission Street to a new Doggie Diner facility proposed to be constructed at 10th and Mission Streets. In adopting that resolution, the Commission had expressed its willingness to reconsider the question of access and egress from Mission Street; however, it had indicated that such reconsideration should take place not less than six months after the commencement of the business activity on the property and not less than three months after the installation and commencement of operation of the proposed transit preferential lane treatment on Mission Street. The new facility had not yet been constructed; and the transit preferential lane treatment had just recently been introduced on Mission Street. Therefore, the requirements established by the previously adopted resolution had not been met. In fact, the building permit application for the project was still being held in the offices of the Department of City Planning pending receipt of modified plans for the facility. Therefore, if the Commission did not wish to grant the request for reconsideration, the staff could disapprove the building permit application on the basis that it was not in conformity with the conditions which had previously been established by the Commission; and the applicant could then appeal that disapproval to the Board of Permit Appeals.

Commissioner Finn stated that access to the proposed facility from Mission Street would not interfere with the operation of the Municipal Railway providing that the access is closed during the evening rush hour.

Bruce Feldman, representing Doggie Diner, Inc., explained that the proposed facility would cost \$200,000 to build; and he felt that a final decision regarding access from Mission Street to the facility should be made before the money is spent. He felt that it would be possible to block the Mission Street access with a chain or with some other device during the evening rush hour.

Commissioner Starbuck remarked that the Commission had spent a great deal of time discussing this issue. He noted that it is too early to tell how the transit preferential lane system will work on Mission Street; and he indicated that an effort is being made to encourage new developments on Mission Street to eliminate vehicular access from the street. Plans for the Yerba Buena Center, for instance, would avoid vehicular access from Mission Street. Furthermore, he felt that Doggie Diner, Inc. was not taking into account the amount of ped-

estrian-oriented trade which might be generated by the new Bank of America Data Center. Under the circumstances, he felt that it would be premature for the Commission to reconsider the condition prohibiting access to the proposed facility from Mission Street.

Commissioner Dearman said that she agreed with the point of view which had been expressed by Commissioner Starbuck.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the request for reconsideration of the previously established condition be denied.

The Director reported that the first of a series of neighborhood meetings in the Potrero District will be held on Saturday, January 29, from 10:00 A.M. until 2:00 P.M. at the Starr King School, 1215 Carolina Street.

Robert Passmore, Planner V (Zoning), noted that the Commission was scheduled to consider the Draft Environmental Impact Report for expansion of the Ralph K. Davies Medical Center at its next meeting on February 3. Several weeks ago, the staff had been requested orally by representatives of the medical center to have the matter postponed until the Meeting of February 24. Subsequently, neighborhood representatives had been advised of that oral request and had notified other residents of the neighborhood that consideration of the matter would be postponed until February 24. However, the Medical Center had never written to make a formal request for the postponement. Under the circumstances, he suggested that the Commission might wish to express its intention of continuing the matter from the meeting of February 3 to the meeting of February 24 so that the staff of the Department of City Planning could advise the public accordingly. It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the Commission express its intent to continue consideration of the Draft Environmental Impact Report for expansion of the Ralph K. Davies Medical Center from the meeting of February 3 to the meeting of February 24.

The Director reported that the Board of Supervisors, meeting on Monday, had sustained the Commission's rescission of conditional use authorization for a kennel at the Pets Unlimited facility at Fillmore and Washington Streets. The Department of City Planning will seek abatement of the use through the City Attorney's office.

The Director indicated that he had been in touch with officials from the Presidio with regard to new construction proposed on that military post. Further meetings on this matter will be scheduled.

JANUARY 27, 1977

ZM77.2 - THE BLOCK BOUNDED BY DONNER AND EGBERT AVENUES AND EARL AND DONAHUE STREETS.

R-2 AND PROPOSED RH-2 TO AN M-1 DISTRICT. (EE76.448)
(UNDER ADVISEMENT FROM MEETING OF JANUARY 6, 1977)

CU76.41 - 998 EGBERT AVENUE, THE TWO BLOCKS GENERALLY BOUNDED BY EGBERT AND DONNER AVENUES AND FITCH AND DONAHUE STREETS. REQUEST FOR AUTHORIZATION TO CONTINUE THE EXISTING USE FOR AUTOMOBILE WRECKING IN AN OPEN YARD FOR SEVEN YEARS. (EE74.135)
(UNDER ADVISEMENT FROM MEETING OF JANUARY 6, 1977.)

Robert Passmore, Planner V (Zoning), noted that the public hearing on the subject application had been held on January 6; however, the staff of the Department of City Planning had been unable to offer a recommendation to the Commission on that date because the environmental evaluation for the proposed rezoning had not been completed at that point in time. Subsequently, the negative declaration had become final on January 19; and, as a result, the Commission would now be able to take action on the matter. Before giving the staff recommendation; however, he felt that the Commission might wish to hear from individuals who were present in the audience who had not been present at the meeting of January 6.

Joseph Gavin, Purchaser of Supplies for the City and County of San Francisco, advised the Commission that the City's contract with the Tow Car Association will be in effect for two more years; and he indicated that continued use of the subject property by the Tow Car Association would be required if the association were to fulfill its contract with the City. He stated that he was aware of no other parcel of property in San Francisco which could accommodate 1,200 automobiles; and he indicated that the Police Department requires that the automobiles be stored in San Francisco because of its surveillance program. When the contract last went to bid in 1972, only four bids were forthcoming; and, of the four bidders, only the Tow Car Association could offer a property capable of accommodating 1,200 automobiles. If the subject applications were to be disapproved by the Commission, the tow car program might have to be discontinued.

Commissioner Dearman stated that her recollection was that the representative of the Police Department who had appeared before the Commission on January 6 had stated that there was no legal requirement for the automobiles to be stored in San Francisco.

Commissioner Starbuck asked if the City's contract with the Tow Car Association specifies that the automobiles must be stored in San Francisco. Mr. Gavin replied in the affirmative.

Mr. Passmore stated that it was his understanding that there was no legal requirement that the automobiles must be stored in San Francisco; however, the Police Department had taken the position that they should be stored within the City as a matter of convenience.

Wilbert Lee, Urban Planner for the Bayview-Hunters Point Non-Profit Community Development Corporation, read and submitted the following prepared statement:

"Mr. Chairman and members of the San Francisco Planning Commission my name is Wilbert Lee, Urban Planner for the Bayview Hunters Point Non-Profit Community Development Corporation (BVHPNPCDC). I wish to speak against the request by Tow Car Association, Inc. for authorization to continue its present operation along Shoreline property in the South Bayshore Area for an additional seven (7) years.

"Mr. L.P. Lewis, Deputy Director for the BVHPNPCDC appeared before this Commission last year during the Residential Rezoning hearings, requesting that the parcels at issue be rezoned for Public Use. Mr. Lewis' request is the result of community recommendations outlined in the Bayview Hunters Point Neighborhood Improvement Plan published in 1976, of which, each Planning Commissioner received a copy. The Neighborhood Improvement Plan recommended a number of major land use changes for improving the viability of the Bayview Hunters Point Community. Our rezoning request is still being considered by the Planning Department.

"Tow Car Association's request comes at a time when the land presently used by them is under serious consideration for development as a state park. In 1973, ten million dollars in state funds were allocated for acquisition and development of 'Shoreline Park' as a part of the State Park system'. Assemblyman Art Agnos recently introduced Assembly Bill I to the California Legislature, which if passed, would require the California Department of Parks and Recreation 'to acquire and develop such real property at the earliest possible time.'

"Since the adoption of the South Bayshore Plan in 1969 by the San Francisco City Planning Commission, the proposed park area has been included in the Recreation and Open Space Element of San Francisco's Comprehensive Plan. The South Bayshore Plan stated as a recreational objective 'to make the waterfront a recreational asset to the South Bayshore and to the entire city.' It was further stated that except for marine use, the shoreline should not be used for industry.

"The BVHPNPCDC feels that an extension of the request by Tow Car Association would be inconsistent with pending plans to develop the area into a State Shoreline Park. The development of a State Shoreline Park will have a profound effect on San Francisco and specifically for the Bayview Hunters Point Community, both aesthetically and economically."

Mr. Lee also advised the Commission that the chairman of the Citizens Advisory Committee for the Candlestick Cove Park had been present earlier to speak in opposition to the applications but had had to leave to keep another appointment.

Officer John Newlan of the San Francisco Police Department stated that he was unable to advise the Commission as to whether towed automobiles must legally be stored in San Francisco. However, given the fact that approximately 50,000 automobiles a year are towed, it is convenient to have them kept within the city limits. Also, in cases where towed automobiles turn out to be stolen, he felt that it would be awkward for the Police Department to perform its proper function if such automobiles were being stored in another community. Towed automobiles which are in good shape are usually taken to the Tow Car Association garage at 255 Turk Street; and only those which appear to have been abandoned are taken to the storage yard on the subject property. They must be kept for a certain period of time before they can be released to the Tow Car Association for dismantling.

Commissioner Rosenblatt remarked that the representatives of the Tow Car Association which had addressed the Commission on January 6 had indicated that the Fire Department would not permit the vehicles to be stored within an enclosed building; and he asked Officer Newlan if he were familiar with the terms of that prohibition. Officer Newlan replied in the negative.

Rai Y. Okamoto, Director of Planning, asked if all of the automobiles stored on the subject property had been towed under the authority of the Police Department. Officer Newlan replied that the Police Department has no jurisdiction over automobiles which have been towed from private property; and, as a result, he did not know if such automobiles are stored on the subject property.

Douglas Holmen, City Planning Department liaison to the South Bayshore area, advised the Commission that the following organizations in the area had taken a position in opposition to continued occupancy of the subject property by the Tow Car Association: the McKinnon Avenue Club; the Innes Avenue Home-owners Association; the Shafter Avenue Club; the Bay View - Hunters Point Coordinating Council; the Bay View - Hunters Point Non-Profit Housing Corporation; and the Candlestick Shoreline State Park Citizens Advisory Committee, comprised of representatives from: South Bayshore, Visitacion Valley, Outer Mission, Inner Mission, Bernal Heights, and Potrero Hill.

Stephen Leonoudakis, Attorney for the owner of the subject property, stated that his clients supported the proposal for acquisition of the subject property for development as a park. However, until such time as the property is needed by the state, he felt that the best interests of the City could be served if the Tow Car Association were allowed to continue to use the property.

Richard Weigner, representing the Tow Car Association, noted that members of the Commission had previously expressed concern about the debris around the

tow car yard; and, while the debris was not actually on property leased by the Tow Car Association, he indicated that the Association had made arrangements to have the area cleaned up.

Jim Nelson, also representing the Tow Car Association, submitted copies of a bill in the amount of \$2,768.05 which had been paid to Chet C. Smith, Inc. for cleaning up the area around the subject property. He also distributed copies of the release form which the Police Department must sign before towed automobiles can be released to their owners or anyone else; and he explained that such release forms would have to be signed by Police Departments in other communities if the lot were to be moved outside of the City of San Francisco.

Mr. Weigner urged the Commission to allow the Tow Car Association to continue use of the property until such time as it is required by the State. He remarked that the State has already begun buying some of the property in the area; however, even though it has already purchased the property which is occupied by Chet C. Smith Inc., it had given that firm a five year lease on the property. Therefore, it was obvious that development of the park is not imminent. He stated that it would require at least six months for the Tow Car Association to move all of the vehicles from the site; and, as a result, it would not be logical to require that the use be discontinued immediately.

Mr. Passmore recommended that both of the subject applications be disapproved. He remarked that the use does not conform to Commission guidelines in that it is located within 500 feet of a residential zoning district. Furthermore, the use would not be compatible with the park which is to be developed by the State of California. Since it would take a substantial amount of time to clean up the property after the use is discontinued, he felt that it would be appropriate to start that process as soon as possible. If the applications were to be disapproved by the Commission, the applicant could appeal the Commission's decision to the Board of Supervisors. However, if the disapproval were sustained, the staff of the Department of City Planning would work with the City Attorney's office to work out fair abatement procedures.

Commissioner Elliott asked if disapproval of the subject applications would mean that the Tow Car Association would have to cease its operations on the subject property. Mr. Passmore replied in the affirmative, indicating that authorization for the use technically expired on January 1, 1977.

Commissioner Finn asked when the subject conditional use application had been filed. After Mr. Passmore had replied that the application had been filed on December 6, 1976, Commissioner Finn asked if that was the first intimation the staff had had that the Tow Car Association intended to request an extension of the use. Mr. Passmore replied that the staff had been aware that the Tow Car Association was anxious to remain on the property until such time as the State is prepared to proceed with development of the new park. He indicated that the staff had previously supported continued use of the property by the Tow Car Association; however, since it was obvious that the use would have to be relocated at some point in time, he felt that it would be appropriate for the relocation process to begin.

Commissioner Rosenblatt, noting that some automobiles towed by the Tow Car Association are taken to a garage on Turk Street, felt that it should be possible for the Tow Car Association to make arrangements to store all of the automobiles within enclosed buildings.

Mr. Weigner stated that automobiles taken to the Turk Street garage are in good shape whereas many of those taken to the subject property have been stripped and can be moved only with the aid of tow trucks; and he indicated that it would be difficult to operate tow trucks within enclosed buildings which have pillars. He indicated that the old American Can Company buildings had been investigated as an alternative location for the tow car lot; however, it would have been impossible for tow trucks to operate within those buildings.

Commissioner Elliott asked how long it might be before the State is prepared to proceed with development of the park. Instead of allowing the land to lie vacant during the interim, he felt that the best thing to do would be to allow the Tow Car Association to continue using the property until it is needed by the State.

The Director replied that his perception was that the State would move faster on the project if there is a strong indication of local commitment to development of the park; and he felt that an action disapproving the subject applications would reflect such a commitment on the part of local government agencies.

Commissioner Finn remarked that this issue had been before the Commission for a number of years; and he was concerned about the fact that the Tow Car Association was seeking authorization for the use for an additional seven years. He felt that such an extension would be excessive; however, he believed that it would be reasonable to allow an extension until such time as the property is to be incorporated into the new park. He suggested that the Commission might consider extending the authorization on a month by month or quarter by quarter basis until such time as the State decides to act.

Mr. Barnett, also representing the Tow Car Association, stated that the Association tows between 5,000 and 6,000 automobiles a month. If the conditional use authorization were to be terminated, it would soon become impossible for any vehicles to move on city streets because of the increasing number of abandoned automobiles.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried 4 to 2 that application ZM77.2 requesting reclassification of the property be disapproved. Commissioners Dearman, Lau, Rosenblatt, and Starbuck voted "aye"; Commissioners Elliott and Finn voted "no".

Subsequently, it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7649 be adopted and that application CU76.41 be disapproved.

At 3:50 P.M. President Lau announced a 10 minute recess. The Commission reconvened at 4:00 P.M. and proceeded with hearing of the remainder of the agenda.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 31 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (ENVIRONMENTAL REVIEW) TO COMPLY WITH RECENT AMENDMENTS TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES, AND TO MAKE FURTHER ADMINISTRATIVE AND CLARIFYING CHANGES.

Selina Bendix, Environmental Review Officer, summarized the proposed revisions to Chapter 31 as detailed in a memorandum prepared by the staff of the Department of City Planning under date of December 9, 1976. The memorandum is available in the files of the Department of City Planning. She stated that the additional requirements would involve some increased cost; and, as an example, she indicated that it would cost 35¢ to mail copies of all of the information pertaining to environmental evaluations as required by the proposed amendments whereas it has cost only 13¢ to mail only the negative declaration form. The new procedures would also involve additional clerical work; and, as a result, the staff of the Department of City Planning would be requesting the Commission to authorize the filing of a supplemental appropriation for the hiring of a temporary 1424 Clerk Typist.

Rai Y. Okamoto, Director of Planning, remarked that San Francisco Tomorrow has been conducting workshops on the environmental review process; and he stated that members of the staff had participated in those workshops. Although San Francisco Tomorrow's recommendations had not yet been formally adopted, he recommended that the Commission proceed to endorse the proposed amendments to Chapter 31 of the Administrative Code since their main purpose would be to bring the Administrative Code into conformance with State law.

Richard Grysiac, representing San Francisco Tomorrow, stated that his organization, with the assistance of a small grant which it had received, had begun reviewing the environmental review process in September, 1976; and, as a result, of conversations and workshops which had taken place, they had determined that there are several major areas in which local procedures could be improved. He felt that the final recommendations of his organization should be widely publicized; and he remarked that the State-mandated changes would not address all of the issues with which his organization was concerned. Furthermore, he emphasized that State law takes precedence over local ordinances; and, as a result, the State-mandated procedures must be followed even if the Administrative Code is not amended. Under the circumstances, he felt that the Commission should postpone its recommendations with regard to amendment of the Administrative Code until the broader issues have been discussed. He then summarized some of the issues which his organization intended to raise; and he recommended that the Commission continue its consideration of the proposed amendments to Chapter 31 of the San Francisco Administrative Code until the meeting of February 17, at which time San Francisco Tomorrow would be prepared to make a formal presentation of its recommendations.

Sue Hestor, representing the Planning, Housing, and Development Committee of San Francisco Tomorrow, stated that she felt that the work which had been done by her organization on the issue of environmental review offered an opportunity for the community to make an effort to see if the process could be made to work better for all concerned. She believed that it would be difficult to persuade the Board of Supervisors to consider two successive amendments to Article 31 of the Administrative Code; and, as a result, she felt that it would be preferable if the Commission would be willing to postpone its recommendations for amendment of the Administrative Code until such time as it has fully considered the San Francisco Tomorrow proposals.

Dr. Bendix acknowledged that State law preempts local legislation; however, she felt that it would be confusing to the public if the procedures outlined in the Administrative Code continue to differ from those mandated by State law, particularly insofar as it is easier for local residents to obtain a copy of the Administrative Code than it is to obtain copies of the pertinent State laws and guidelines. Under the circumstances, she felt that would be desirable for the Commission to be reasonably expeditious in recommending amendment of the Administrative Code and to bring it into conformance with provisions of State law.

Commissioner Rosenblatt noted that the formal recommendations of San Francisco Tomorrow will not be available before February 17; and he remarked that additional time will be required for adequate review and discussion of those proposals. As a result, it might be quite some time before the Commission would be prepared to make recommendations concerning those proposals. Therefore, he suggested that the best procedure might be to act on the State-mandated changes at the present time and to devote as much time as might be needed to give full consideration to the San Francisco Tomorrow proposals.

Commissioner Starbuck asked what would happen if amendment of the Administrative Code to bring it into conformity with State law were deferred. Dr. Bendix replied that the staff has been following the procedures mandated by State law since January 1 and indicated that the staff would continue to follow those procedures.

John Bardis, representing the Inner Sunset Action Committee, urged the Commission to delay action until the San Francisco Tomorrow proposals have been formally presented so that the Environmental Review procedures could be considered in a comprehensive fashion.

After further discussion it was moved by Commissioner Finn and seconded by Commissioner Elliott that the proposed amendments to Chapter 31 of the San Francisco Administrative Code be endorsed without prejudice to any recommendations which might be forthcoming from San Francisco Tomorrow.

Commissioner Starbuck, noting that State law had mandated time limits for recertification of environmental impact reports and that the details of that requirement had not yet been worked out asked if a further amendment of Article 31

of the Administrative Code would be required when the State guidelines are clarified with regard to that issue. Dr. Bendix replied in the affirmative indicating that that issue may be clarified in April. Commissioner Starbuck then observed that any proposed amendments of the Administrative Code resulting from the San Francisco Tomorrow proposals could be transmitted to the Board of Supervisors at the same time that any proposed amendment of the Code relating to the time limits is transmitted.

Peter Svirskey, Planner V (Zoning), stated that the letter transmitting the currently proposed amendments to the Administrative Code to the Board of Supervisors could indicate that other proposed amendments are pending and that they will be transmitted to the Board at a later date.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7650 and to endorse the proposed amendments to Chapter 31 of the San Francisco Administrative Code as recommended by the staff of the Department of City Planning.

PHOTOGRAPHIC SLIDE PRESENTATION ON THE HISTORY OF GOLDEN GATE PARK
BY RAYMOND CLARY, HISTORIAN.

Because of the lateness of the hour, this presentation was postponed until the meeting of February 17, 1977, at 1:00 P.M.

The meeting was adjourned at 5:00 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

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Minutes of the Special Meeting held Friday, January 28, 1977.

The City Planning Commission met pursuant to notice on Friday, January 28, 1977, at 9:00 a.m. in the meeting room at 100 Larkin Street.

PRESENT: Toby Rosenblatt, Vice-President; George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Gordon J. Lau, President and Susan J. Bierman, members of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Calvin Malone, Planner IV; and Lynn E. Pio, Secretary.

REVIEW OF CAPITAL IMPROVEMENT PROJECTS FOR SIX YEAR PROGRAM FROM 1977-78 THROUGH 1982-83

Rai Y. Okamoto, Director of Planning, made the following introductory remarks:

"This morning, the City Planning Commission is holding its annual review of departmental submissions proposed for inclusion in the Capital Improvement Program for 1977-78 through 1982-83.

"The function of the Commission in this review is to determine the conformity of the capital improvement projects to the Master Plan, to assign general priority ratings to the various projects, and to issue a report recommending a program of capital improvements based on the projects submitted by the various departments and agencies.

"To facilitate the Commission's review, those projects which in the opinion of the staff are not in conformity with the Master Plan or present some other planning problem have been given appropriate policy notations. Also, general priority ratings have been recommended by the staff for all projects to assist the Commission in its review of the program.

"For this year's program, two significant changes have been made. First, the program now before you is the product of the Department's new computer system. It will permit the simple and efficient modification of the program to meet future review and publication requirements. A special note of thanks is due to Frank Hendricks for having written the computer program which permitted the development and preparation of the capital improvement program in a production-ready form. Second, this year's program reflects only those projects which are for the

improvement or betterment of the City's physical plant. Projects for the maintenance of capital facilities are not included. This step was taken in an attempt to reduce the amount of time which has been spent both by the staff and this Commission in the review of the program.

"In accordance with previous programs, the "A" or "Essential" priority rating applies only to a project recommended for the budget or first year of the program. The reason for this assignment is to focus attention on those most significant projects recommended for budget year funding. It is of utmost importance to those projects proposed for funding from ad valorem or property tax monies. For example, \$12.1 million in project costs was requested by various ad valorem supported departments in 1976-77. Of this amount, \$2.9 million was appropriated by the Board of Supervisors. While there are many meritorious projects proposed in this program, the City does not have the fiscal capabilities to fund all of them. I trust the various departmental representatives will appreciate this fiscal restraint as we review the various schedules.

"Those projects which fall in the later years of the program have been given a "Desirable" or "Acceptable" priority rating. These "B" or "C" ratings will be reevaluated as the project advances toward the budget year in subsequent programs.

"The program document which is before you is separated into three sections: the first section includes the ad valorem tax supported departments; the second section encompasses the gas tax supported program of the Department of Public Works; and the final section is for the revenue supported departments.

"The review of the program will be conducted by the staff on a departmental basis. To expedite its review, the staff will focus attention on new projects; however, if there are any questions regarding previously included projects, please bring them to the staff's attention during consideration of the appropriate departmental schedule.

"Before turning the meeting over to Mr. Malone, who will present the program, I would like to thank the various departments and agencies who have participated with the staff in the preparation of this year's capital improvement program."

Vice-President Rosenblatt noted that members of the Commission had received the staff report in advance of the meeting and were thoroughly familiar with it; and, in order to expedite the proceedings, he suggested that attention should be focused only on items of specific concern to members of the public, departmental representatives, or members of the Commission. After ascertaining that no members of the public or departmental representatives wished to comment on specific

projects, he asked if any members of the Commission had questions regarding any of the projects. As questions were raised, explanations were offered by Calvin Malone, Planner IV.

During the course of the discussion, it was moved by Commissioner Starbuck, seconded by Commissioner Carey, and carried unanimously that the general priority rating for Project 131.72.101 calling for preparation of plans for construction of a new emergency operating center for the Office of Emergency Services be changed from "desirable" to "essential". The Commission also requested that time be reserved on a future agenda of the Commission to discuss and publicize the need for the proposed facility.

In discussing Project 75.76.201 which called for expenditure of funds for improvements at the Ferry Building, the Commission was advised by representatives of the Port that no specific plans had been chosen from the four or five alternatives available; however, they expected that a specific plan would be chosen within the next year. Commissioner Starbuck urged that an effort be made to open up the Bay side of the Ferry Building to make it more attractive from the perspective of ferry passengers.

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 3, 1977.

The City Planning Commission met pursuant to notice on Thursday, February 3, 1977, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Daniel Sullivan, Planner IV (Zoning); Robert Feldman, Planner III; Robert Meyers, City Planning Coordinator; Ralph Gigliello, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

The Secretary explained that clerical errors had been corrected in both sets of the minutes which were before the Commission for consideration. Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the Regular Meetings of October 21 and December 2, 1976, be approved with the corrections which had been made by the Secretary.

At this point in the proceedings, Commissioner Finn arrived in the meeting room and assumed his seat at the Commission table.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of a Special Meeting scheduled for next Wednesday evening, February 9, at 8:00 p.m. in Gresham Hall, Grace Cathedral for a public hearing on proposed changes of height limits on Nob Hill. He indicated that the Commission's Regular Meeting on Thursday, February 10, will commence at 1:45 p.m.

The Director reported that the Mayor will hold a series of public hearings on 1977-78 budget requests of the various city departments. The hearing which will involve the Department of

City Planning's budget is scheduled for Saturday, February 26, at 10:00 a.m. at the Marina Junior High School, 3500 Fillmore Street.

The Director advised the Commission that the Board of Permit Appeals, meeting on the previous evening, had voted to overrule the Commission and to approve the Building Permit Application for an apartment building at 370 Monterey Boulevard. However, the Commission's disapproval of a building permit application for an apartment building on adjacent property at 374 Monterey Boulevard was sustained by the Board.

The Director reported that the Board of Supervisors, meeting on Monday, had voted to approve ordinances relating to sign control on lower and upper Market Street. Action on a proposed resolution urging the Port Commission not to allow billboards on Port property was postponed pending advice from the City Attorney as to the legality of the proposed action.

Commissioner Starbuck indicated that the Implementation Committee of the Commission had met earlier in the day to discuss the proposed ordinance which would control the location of adult bookstores and theaters. No action was taken at the meeting.

CONSIDERATION OF DRAFT RESOLUTION REQUESTING SUPPLEMENTAL APPROPRIATION OF FUNDS FOR HIRING OF A TEMPORARY 1424 CLERK TYPIST FOR THE ENVIRONMENTAL REVIEW SECTION OF THE DEPARTMENT

Selina Bendix, Environmental Review Officer, advised the Commission that provisions of AB2679 amending the California Environmental Quality Act went into effect on January 1, 1977; and she indicated that those amendments mandate increased paper work in connection with each environmental evaluation case. As a result, proposed projects are being delayed because negative declarations cannot be issued due to the lack of clerical staff to prepare legally required documents. Therefore, it was proposed that an emergency supplemental appropriation in the amount of \$2,822 be requested to provide for a temporary 1424 Clerk Typist position in the Office of Environmental Review.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7651 be adopted authorizing the Director to request an emergency supplemental appropriation in the amount of \$2,822 to cover creation of a class 1424 Clerk Typist position in the Office of Environmental Review of the Department of City Planning, in order to provide for the uninterrupted operation of the Office of Environmental Review in compliance with time limitations as established by law.

ZM76.7 - CONSIDERATION OF PROPOSED DETERMINATION BY THE COMMISSION THAT THIS RECLASSIFICATION APPLICATION IS FOR A MAJOR SUB AREA OF THE CITY. SUCH A DETERMINATION WOULD CONTINUE THE CONTROLS OF THE PROPOSED DISTRICTS IN EFFECT AS INTERIM CONTROLS FOR A SECOND YEAR UNDER SECTION 302(e) OF THE CITY PLANNING CODE, UNTIL MARCH 28, 1978.

APPLICANT'S PROPOSAL IS TO RECLASSIFY USE DISTRICTS FROM R-4, R-3.5, AND R-3 TO R-2, AND FROM C-2 TO R-3-C, IN THE PACIFIC HEIGHTS AREA GENERALLY BOUNDED BY UNION, BUSH, AND LYON STREETS AND VAN NESS AND PRESIDIO AVENUES. NO CHANGE IS PROPOSED FOR R-1-D, R-1 and P DISTRICTS IN THIS AREA. FILED MARCH 29, 1976 (EE76.147)

Robert Passmore, Planner V (Zoning), stated that the City Planning Code provides that reclassification applications may be pending for a period of two years if they involve a major sub-area of the city. A major sub-area is defined as an area consisting of more than thirty acres. He indicated that the Pacific Heights reclassification application involves approximately 900 acres; and he recommended that the Commission determine that the area proposed for reclassification in the application is a major sub-area of the city so that the application would remain alive beyond March 29, 1976.

No one was present to speak in opposition to this proposal.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7652 be adopted determining that the area proposed for reclassification in application No. ZM76.7 is a major sub-area of the city as specified in Section 306.3 of the City Planning Code.

ZM76.2 - CONSIDERATION OF LETTER OF APPLICANT DATED JANUARY 20, 1977, REQUESTING WITHDRAWAL OF THAT PORTION OF RECLASSIFICATION APPLICATION NO. ZM76.2 AFFECTING THE SACRAMENTO/STOCKTON REDEVELOPMENT PROJECT AREA. LOTS 1-5, 5A, 6, 24, 28-30, 33, 34, 36 and 37 IN ASSESSOR'S BLOCK 243.

APPLICANT'S PROPOSAL IS TO RECLASSIFY HEIGHT AND BULK DISTRICTS FROM 320-I TO 105-A AND FROM VARIOUS DISTRICTS (65-A THROUGH 240-D) TO 40-X, 88-A, AND 105-A IN THE NOB HILL AREA GENERALLY BOUNDED BY POWELL, LARKIN AND BUSH STREETS AND PACIFIC AVENUE. FILED DECEMBER 19, 1975 AND AMENDED BY THE APPLICANT JANUARY 22 AND FEBRUARY 25, 1976. (EE76.366)

Robert Passmore, Planner V (Zoning), stated that Terry H. Covert, Chairman of the Nob Hill Neighbors, had addressed a letter

to the Commission under date of January 20, 1977, requesting withdrawal without prejudice of that portion of the subject application affecting the Mei Lun Yuen Project at Sacramento and Stockton Streets. He recommended that the request for withdrawal of that portion of the application be approved.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7653 be adopted and that the request for withdrawal without prejudice of the portion of the application affecting property at Stockton and Sacramento Streets be granted without prejudice.

APPEAL OF A DETERMINATION THAT AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED FOR A PROPOSED OFFICE BUILDING AT 601 BEACH STREET.

Selina Bendix, Environmental Officer, summarized the staff findings which had led to the determination that the proposed project may have a significant effect on the environment and that an Environmental Impact Report would be required.

The Commission then received and responded to comments made by Robert Henn, representative of property owners and businesses in the subject area and Brad Inman, of Building Enterprises, LTD, the applicant.

After discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7654 be adopted with the following resolved clause: "Therefore be it resolved, that the City Planning Commission does hereby find that the proposed project may have a significant effect on the environment and does hereby affirm the determination of the Department of City Planning."

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

ZM77.3 - 426 AND 422 BOSWORTH STREET, NORTH LINE, 212 FEET WEST OF ROUSSEAU STREET. R-1 TO R-2 DISTRICT. (EE76.451)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of three lots. He stated that the lots at 426 and 422 Bosworth Street are developed with single-family houses; and the lot between them is vacant. The applicant had requested that the zoning of the properties be changed from R-1 to R-2 in order to allow construction of a second unit to his home at 426 Bosworth Street. Under the interim residential zoning standards initiated on May 20, 1976, the subject properties are proposed for reclassification to an RH-2 zoning

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district in which two-family houses would be allowed; however, because the prior zoning is more restrictive, it continues to remain in effect.

President Lau asked if anyone were present in the audience to address the Commission in opposition to this application and received a negative response.

Mr. Passmore recommended that the application be approved.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman and carried unanimously that Resolution No. 7655 be adopted and that the application be approved.

CU77.3 - 3120 MISSION STREET, WEST LINE, SOUTH OF ARMY STREET.
REQUEST FOR AUTHORIZATION TO ALLOW USE OF THE SECOND
AND THIRD FLOORS OF THE UNOCCUPIED SEARS STORE FOR
STORAGE OF HOUSEHOLD GOODS; IN A C-2 DISTRICT.
(EE76.446)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 225 feet on Mission Street, 363 feet on Army Street, and 257 feet on Valencia Street. The property is occupied with a building which has 45,000 square feet of floor area on the ground floor and 40,000 square feet of floor area on each of the second and third floors. 99 off-street parking spaces are available on the site with access from Valencia Street. The building, which is presently vacant, had formerly been used as a Sears Roebuck store. The applicant proposed to use the second and third floors of the building for storage of household goods. Initially, only the third floor of the building would be used for storage; and the applicant would continue to seek retail tenants for the first and second floors of the building. However, if no retail tenants were found for the second floor of the building, the applicant intended to use it for storage, also. The applicant had also requested the Commission to use the building as storage space for local businesses; however, such storage is a principal permitted use in only C-3S, CM, and industrial districts and is not allowed in C-2 districts.

Moe M. Ghavamzadeh, representing proprietors of small businesses on Mission Street, indicated that the loss of the Sears Roebuck store has had a severe effect on businesses in the area; and he believed that use of the second and third floors of the subject building for storage would not improve the situation. He urged the Commission to disapprove the subject application so that the building could be used by a business which would bring customers and money to the area.

Walter Johnson, representing Department Store Employees Union No. 1100, indicated that he agreed with the position which had been taken by Mr. Ghavamzadeh. He stated that business has decreased by 40% in the area since the Sears Roebuck store closed; and use of the subject building for dead storage would not do anything to enhance the commercial activity in the area. He emphasized that the Sears Roebuck store had served as an "anchor" for the outer-Mission business district and had provided a total of approximately 300 jobs; and he felt that the city should take the initiative to find a new tenant for the building which would provide an equal number of jobs. He stated that he had talked with some businesses who had expressed some interest in the property; and, in view of the fact that it would be difficult to get rid of the storage business if it becomes established, he urged that the Commission disapprove the subject application. In reply to questions raised by Commissioner Starbuck, Mr. Johnson stated that the store has been vacant since January 1, 1975; and he indicated that the Mission Renaissance Committee, which was established four months ago, had talked with at least one merchant who had put forward an interesting proposal for re-use of the building. Although he realized that the applicant was not proposing to use the ground floor of the building for storage, he felt that any large retail operation which could be found for the ground floor would need some of the space on the upper floors.

Commissioner Starbuck then asked if Mr. Johnson felt that it might be feasible to house a major retailing business on the first two floors of the building if the third floor were to be used for storage. Mr. Johnson replied that it would be difficult to respond to that question in the absence of any definite information concerning the nature of the retailing business; however, an operation such as the former Sears Roebuck store would require the third floor of the building.

Dick Hyde, representing the owner of the subject building, stated that an effort had been made to find a tenant for the first two floors of the building for the past two years; and he indicated that Sears Roebuck had looked for a new tenant for the building before vacating the premises. He had found that most retailing operations prefer to be on the ground floor; and, as a result, he doubted that there would be any potential for retail use of the second and third floors of the building. Initially, the applicant proposed to use the third floor of the building for storage and to continue to look for an office tenant for the second floor of the building. If such a tenant could not be found, some of the second floor of the building could eventually be used for storage, also. However, in any case, the storage space would be designed so that it could be converted to office use in the future. He also expressed doubt that any large retailing operations would want to move into

the Mission district; and he believed that any retail use of the ground floor of the building would consist of a combination of several smaller tenants.

Commissioner Dearman asked who owns the building. Mr. Hyde replied that a group of five local individuals headed by Richard Koch have acquired the building.

Commissioner Starbuck asked if the perspective tenants who proposed to use the second and third floors of the building for storage would be satisfied with only the third floor of the building. Mr. Hyde replied the storage business would probably not be economically feasible if it were to be limited to one floor.

Mr. Johnson informed the Commission that the Mission Renaissance Committee had employed the consultant firm of Gruen and Gruen to make an economic study of the area; and he urged the Commission to defer action on the subject application until the results of that study are available.

Mr. Passmore stated that the staff had doubted that it would be possible to find a retail tenant for the building; and, as a result, the staff had been prepared to recommend approval of the subject application. However, in view of the comments which had been made during the course of the public hearing, and in view of the fact that an economic study is underway, he felt that it would be appropriate for the Commission to take the matter under advisement for two months. While the staff did not feel that household storage would represent the best use of the building, it had appeared that such a use might be the only potential use of the space.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the meeting of April 7, 1977.

CU77.5 - 1032 BROADWAY, NORTH LINE, 43 FEET EAST OF FLORENCE STREET AND 138 FEET WEST OF TAYLOR STREET.

REQUEST FOR AUTHORIZATION TO USE THE EXISTING DWELLING AS A PROFESSIONAL (LAW) OFFICE BUILDING; IN AN R-4 AND PROPOSED RH-2 DISTRICT. (THE APPLICANT IS ALSO SEEKING DESIGNATION OF THE BUILDING AS A LANDMARK.)
(EE76.452)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has approximately 7,800 square feet of lot area. The property is occupied by a two-story stucco single-family house which was built in 1853 and last renovated in 1934. There are no parking spaces on the site. The

applicant proposed to convert the entire house to a law office to be used by his law firm. The property is zoned R-4; and conditional use authorization could be granted for professional offices in that zoning district. The interim residential zoning controls initiated by the Commission on May 20, 1976, would reclassify the property to an RH-2 district. While professional offices would not ordinarily be allowed in that zoning district, the standards of that district would allow conditional use authorization for professional offices in a building which has been designated as a Landmark. He stated that the applicant had filed for landmark designation of the building and for a variance from parking standards of the City Planning Code for the proposed use. The Landmarks Preservation Advisory Board had recommended that the building be designated as a Landmark; and that matter will be before the Commission for consideration on March 10, 1977.

Commissioner Starbuck asked what sort of a development could occur on the property under the proposed RH-2 zoning. Mr. Passmore replied that RH-2 standards allow one dwelling unit for each 1500 square feet of lot area. If the subject property is subdivided into four lots, each of the lots could be developed with a two-unit building. Originally, the property had an area greater than 7800 square feet; but the applicant had already subdivided the property and continued to own the adjacent lot which would be used for construction of a single-family dwelling which he would occupy.

Alan Nichol, the applicant, stated that the subject neighborhood is primarily single-family in character; however, there are some large apartment buildings in the area. He stated that his objective was to preserve and, to a certain extent, restore the building on the site; and he felt that it would not be financially feasible to do so unless the building were converted for office use. At least \$85,000 would be needed to repair the foundations and other features of the building; and approximately \$40,000 would be needed each year to maintain the building. He stated that he could not afford such expenses as an individual; and he doubted that others would be willing to expend such sums of money to maintain the building as a residence particularly in view of the fact that it is not usable as a residence. The building was built for office use; and no interior changes would be required to convert the building back to office use. He felt retention of the house and garden would contribute to the stability of the neighborhood; and he indicated that the staff of the Department of City Planning had issued a negative declaration for the proposed project. The proposed project would alleviate parking problems in the area since the building would not be occupied at night when the area is overcrowded with automobiles; and the continued existence of the building would maintain existing views from other properties in the vicinity.

President Lau asked if anyone were present to speak in opposition to the proposal and received a negative response.

Mrs. G. Bland Platt, representing the Landmarks Preservation Advisory Board, stated that her Board had voted on January 19 to recommend that the building be designated as a Landmark. Subsequently, at its meeting on February 2, the Board had voted unanimously to request that the building be placed on the National Register so that the applicant would be able to take advantage of the Tax Reform Act of 1976. In reply to a question raised by Commissioner Starbuck, Ms. Platt stated that several landmark buildings in San Francisco have been converted for office use; and that has proven to be an effective way of preserving such buildings.

Donald J. Kropp, owner of property at 35 Florence Street, spoke in support of the subject application. He felt that retention of the existing building would be desirable insofar as it would result in preservation of existing views. He also found the plans for Mr. Nichol's new home to be acceptable.

Eugene E. Thurston, 1021 Broadway, expressed his support of the applicant's proposal.

Putnam Livermore, owner of property in the subject neighborhood, felt that the applicant's proposal provided a wonderful opportunity to preserve a fine old building and to prevent the construction of a new housing development which would have a serious impact on parking congestion in the area. He also indicated that he had been authorized to express the support of Philip Armour, Jeffrey Thomas, and Mrs. Michael, residents of the neighborhood, for the proposed project.

Mr. Nichols advised the Commission that his law firm must vacate its present offices by March 31; and if the Commission were to delay action on the subject application until March 10, there would be little time available for the move. Therefore, he requested that the Commission approve the application subject to approval of the proposal to designate the building as a landmark on March 10.

Mr. Passmore stated that the staff was not prepared to recommend approval of the application at the present time; and he felt that the Commission should act on the proposal to designate the building as a landmark before considering whether authorization should be granted for offices in a residential district. He recommended that the matter be taken under advisement until the Commission's Meeting on March 10.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that this matter be taken under advisement until the Meeting of March 10, 1977.

At 3:55 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 4:05 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.7 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 454655 FOR A 64-UNIT APARTMENT BUILDING AT 1652 TAYLOR STREET.
(UNDER ADVISEMENT FROM MEETING OF JANUARY 27, 1977.)

Robert Passmore, Planner V (Zoning), noted that the subject building permit application had been pending before the Department of City Planning for quite some time; and he indicated that the proposed project had been designed in accordance with guidelines which had been prepared by the staff of the Department of City Planning prior to the time that the Interim Residential Zoning Controls were initiated by the Commission on May 20, 1976. Since the public hearing which was held on January 27, 1977, the staff had again met with the applicant; and the applicant had agreed to redesign the interior of the proposed building to reduce the number of units from 64 to 60 and to change the mix of dwelling units so that the building would contain 25 studio apartments, 33 one-bedroom units, and 2 two-bedroom units. He recommended that the revised project be approved subject to six specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Starbuck expressed his personal appreciation to the applicant for increasing the number of one-bedroom units in the project and reducing the number of studio units. He remarked that San Francisco has lost more than 7,000 single-family units since 1960; and he felt that the revised project might bring some semblance of stability to the subject neighborhood.

After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7656 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

DR77.3 - 1202-21 KIRKHAM STREET, SOUTHWEST CORNER OF 16th AVENUE.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE
REQUESTING AUTHORIZATION TO CONSTRUCT FIVE TWO-FAMILY
HOUSES HAVING HEIGHTS IN EXCESS OF 30 FEET IN AN RH-2
DISTRICT. (EE76.453)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of five lots, each having an area of 2700 square feet. The property is vacant and slopes steeply up from Kirkham Street. The applicant proposed to construct five two-family houses, each having a height of 39 feet. Each house would have a two-car garage at the ground level, a three-bedroom unit on the second and third levels, and a two-bedroom unit on the fourth level. Under the proposed RH-2 density standards, a building may be 30 feet high as a matter of right and may go to 40 feet with conditional use authorization. However, until the proposed density standards are formally enacted by the Commission, the Commission is considering such cases under its discretionary review authority with notice of public hearings being given as in conditional use cases.

Stanley Fountain, 1145 Kirkham Street, objected to the applicant's proposal and indicated that he felt that the lots should be used for single-family houses. He stated that the subject neighborhood used to be a quiet residential area; however, since Judah Street was redesigned to favor transit vehicles, a great deal of the automobile traffic which used to use that street now uses Kirkham Street. Parking has also become a problem in the neighborhood. He felt that the two-unit buildings being proposed would add unnecessarily to congestion in the area; and he urged that the application be disapproved.

Bill Beedle, the applicant, emphasized that each of the proposed buildings would have adequate off-street parking. Furthermore, they would not interfere with any presently existing views. He remarked that the property is an eye-sore at the present time; and he felt that the new development would be an asset for the neighborhood.

Commissioner Dearman inquired about the size of the proposed dwelling units. Mr. Beedle replied that the two-bedroom units would have approximately 1000 square feet of floor area and that the three-bedroom units would have approximately 2000 square feet of floor area.

Mr. Passmore recommended that the application be approved. Because of the extreme upward slope of the property, he doubted that it would be possible to construct two dwellings on each of the lots unless additional height were to be permitted; however, since the proposed buildings would not block any views, he did not feel that they would have an adverse effect on the neighborhood.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7657 be adopted and that the subject application be approved.

DR77.4 - 538-40 SIXTH AVENUE, EAST LINE, 225 FEET SOUTH OF ANZA STREET.

DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE REQUESTING AUTHORIZATION TO ENLARGE AN EXISTING PENTHOUSE AREA ABOVE 30 FEET IN HEIGHT; IN AN R-3 AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet on Sixth Avenue and a depth of 120 feet for a total area of 3000 square feet. The property is occupied by a two-family brick-front dwelling with a penthouse room on top. The applicant proposed to enlarge the existing penthouse room by approximately 72 square feet at a height of 39 feet 3½ inches above grade. Under the proposed RH-2 density standards initiated by the Commission on May 20, 1976, any new construction with a height in excess of 30 feet must receive conditional use authorization from the Commission. However, until those density standards are formally enacted by the Commission, the Commission has been taking such matters under discretionary review with notice of public hearings being given as in conditional use cases.

President Lau asked if anyone were present to speak in opposition to the application and received a negative response.

Robert M. Tanaka, architect for the applicant, stated that the proposed expansion would make the penthouse room more comfortable; and he indicated that he would be willing to respond to any questions which might be raised by members of the Commission.

Mr. Passmore recommended that the application be approved since the proposed addition would not cast any shadows on adjacent yards.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7658 be adopted and that the application be approved.

DR76.30 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459558 FOR CONSTRUCTION OF AN APARTMENT BUILDING AT 326 - 12TH AVENUE.

(UNDER ADVISEMENT FROM MEETING OF DECEMBER 2, 1976.)

Robert Passmore, Planner V (Zoning), advised the Commission that the applicant had requested that this matter be continued under advisement until the Commission's Meeting on March 3.

It was moved by Commissioner Elliott, seconded by Commissioner Dearman, and carried unanimously that this matter be continued under advisement until the Meeting of March 3, 1977.

DR77.5 - 1981 FUNSTON AVENUE, FOUR LOTS WITH ACCESS TO FUNSTON AVENUE. APPROXIMATELY 36 FEET NORTH OF ROCKRIDGE DRIVE. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE REQUEST TO AUTHORIZE CONSTRUCTION OF FOUR TWO-FAMILY HOUSES ON FOUR LOTS, EACH LOT HAVING MORE THAN 6,000 SQUARE FEET OF LOT AREA; IN AN R-1 AND PROPOSED RH-1 DISTRICT. (EE74.299)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of four interior lots with access from Funston Avenue. The lots are vacant; and the applicant had recently paved the access road connecting the lots with Funston Avenue and had installed utility and sewer lines. The lots vary in size from 6,127 square feet to 10,971 square feet; and the applicant proposed to construct a two-unit dwelling on each of the lots. R-1 standards would allow construction of one dwelling unit for each 3,000 square feet of lot area; and the proposed RH-1 zoning standards would allow additional units up to a maximum of three units where there is 3,000 square feet for each unit, subject to conditional use authorization by the City Planning Commission. However, until the RH-1 standards are formally enacted, the Commission is considering requests for additional units under its power of discretionary review. In conclusion, Mr. Passmore stated that members of the Commission had taken a field trip to the subject property.

Jack K. Dooling, attorney for the applicant, stated that his client had owned the subject property since 1937 and had paid taxes on it for forty years. He indicated that each of the subject lots has an area of more than 6,000 square feet; and, as a result, the proposed project would meet the City Planning Code requirement of 3,000 square feet for each dwelling unit. He emphasized that the proposed project could have been constructed without specific approval from the Commission prior to May 20, 1976; and he noted that the RH-1 zoning standards initiated on that date would still allow the units to be constructed with the approval of the Commission. He indicated that the proposed buildings would have a height of less than 30 feet; and, as a result, they would not block existing views. The access driveway has a length of approximately 148 feet and a width of 18 feet; and he felt that the parking spaces which would be available along the driveway would assure that the proposed project would cause no parking problems in the neighborhood. He stated that a Negative Declaration had been issued for the project by the staff

of the Department of City Planning on January 9, 1976. The parcel map for the project had been filed on May 19, 1976, and had been approved by the responsible city agencies. A permit had also been filed for construction of the access driveway. That permit had been approved by the Fire Department on November 14, 1975, and had been issued by the Central Permit Bureau on May 13, 1976. Work on that portion of the project had since been completed at a cost of \$60,000. While some of the letters in the file of the Department of City Planning referred to the matter before the Commission as a "rezoning", Mr. Dooling emphasized that no variance from the provisions of the City Planning Code was being requested. The proposed project would bring a considerable amount of tax revenue to the City; and, during the construction phase, it would provide jobs for 80 to 100 people. Thus far, his clients had spent in excess of \$75,000 on the project. In conclusion, he displayed and explained a rendering of the proposed project and urged that the project be approved by the Commission.

Robert Rose, an Assistant Chief with the San Francisco Fire Department, stated that Chief Casper had asked him to attend this meeting and to advise the Commission that all of the necessary approvals had been given to the proposed project by the Fire Department thirteen months ago; and he believed that the situation had not changed in any way during the interim.

Finton Nannery, 1974 - 14th Avenue, asked if the Fire Department had actually tried to get its vehicles onto the property by way of the access driveway. Officer Rose replied in the negative but indicated that driveway with a width of 18 feet would be adequate for Fire Department vehicles.

Commissioner Starbuck, noting that the access driveway would have a gate, asked what would happen if the gate were locked when the Fire Department needs to gain access to the property. Officer Rose replied that the Fire Department would prefer that the gate remain unlocked; however, the lock could be broken in the case of an emergency.

Mr. Nannery stated that the access driveway may be 18 feet wide at Funston Avenue; but he believed that it narrows to 15 feet at the other end. If cars should be parked along the driveway, he felt that it would be impossible for Fire Department vehicles to gain access to the proposed buildings. He remarked that the applicant had previously sought permission to construct two-units on the subject property and had later proposed four and then six units for the site; and, on each occasion, the proposals had been disapproved by both the Fire Department and the Department of City Planning. He advised the Commission that sand conditions in the area are extremely

unstable and have caused problems for existing houses in the area. Since the remainder of the neighborhood is developed with single-family houses, he felt that duplexes should not be allowed on the subject property.

Officer Rose indicated that plans for the access driveway which had been approved by the Fire Department had indicated that the driveway would be 18 feet wide; and he remarked that that width would be sufficient for Fire Department vehicles.

President Lau asked if the Fire Department would be willing to take its vehicles to the subject property to determine if they can maneuver the access driveway. Officer Rose replied in the affirmative. He believed that the test could take place early next week; and he requested that at least one representative of the applicant and one representative of other property owners in the area be present at the test.

Anthony R. Morelli, 1986 - 14th Avenue, stated the right-of-way of the access driveway has a width of 18 feet; however, because of soil conditions in the area, the applicant had had to build a 1½-foot retaining wall on each side of the driveway, thus narrowing the effective width of the driveway to 15 feet. He noted that he had submitted a petition to the Commission which was signed by a number of property owners in the area who were opposed to the proposed project.

George W. Hitchcock, 1992 - 14th Avenue, stated that he was opposed to having the property reclassified from R-1 to R-2. Mr. Passmore explained that no reclassification of the property was being requested. The R-1 provisions of the City Planning Code provide that one dwelling unit may be constructed for each 3,000 square feet of lot area. Most of the properties in the neighborhood are standard-sized lots, and they do not qualify for more than one dwelling unit. Given the size of the subject property, a total of nine units would be allowed by the City Planning Code. However, any proposal for more than four units would require special authorization from the Commission.

L.T. Tom, 1959 - 14th Avenue, remarked that all of the surrounding neighborhood is developed with single-family houses; and he felt that construction of duplexes on the subject property would be contrary to the neighborhood pattern. He stated that he had previously been told that a driveway width of 14 feet is needed for an individual fire truck; and it was obvious to him that two fire trucks could not pass each other in the access driveway which had been constructed by the applicant. Because of the unstable sand conditions in the area, he felt that the proposed buildings might endanger houses lower

on the hill; and he indicated that he had never seen the Negative Declaration which had been issued for the project. Although the developer had already spent a great deal of money on plans for the project, he did not feel that that fact should give him any entitlement to the additional units; and he remarked that another developer had purchased R-1-D property in the neighborhood and had been denied R-2 zoning even though that property would have been more suitable for duplexes than the subject property. He advised the Commission that the present applicant had been involved in the subject neighborhood for many years and had built most of the houses in the area; but he did not feel that the applicant's contribution to the area was of great benefit. In fact, residents of the neighborhood had waited for years for trees to grow high enough so that they would not have to look at other buildings which the applicant had constructed; and, if the proposed buildings were to be constructed, many more years would elapse before trees would grow high enough to screen them from other residences in the area. He emphasized that all property owners in the area had invested money in their properties; and he did not feel that the investment which had been made by the applicant should be given special consideration.

Mr. Morelli submitted and summarized a letter which read as follows:

"My name is Anthony R. Morelli, 1986-14th Avenue. I have been chosen as spokesman for the group gathered here, as well as for those incapacitated by illness or other good reasons keeping them from attending this very important meeting. The number of people involved I judge to be between 80 and 100. We are here to protest the building of any kind of buildings on the above numbered and described property asking that the planning commission deny categorically the issuance of a permit for the following reasons:

"1. The lots upon which the building of duplexes is planned are said to contain 6,000 square feet each are straight up and down (vertical) easily climbed only by mountain goats; the sand is held together only by the ice plant, laboriously planted over the more than the past twenty years by the residents of the area. Denuded the torrential rains of San Francisco would bring the sand down like lava from a volcano.

"2. The fire hazard would increase more than ten fold because only a passage of 15 feet exists to allow fire equipment to get to this so chimeric Sunset Terrace

envisioned by this so altruistic builder. How the fire department could maneuver in such narrow space is more that I can figure out.

"3. Let us keep in mind the fact that San Francisco is definitely earthquake country and the thought of being buried alive maybe under tons of sand plus splintered buildings is more than an unpleasant thought.

"4. Another thing to consider is the fact that in building eight (8) duplexes you will probably have ten or possibly twelve families living in them with an addition of from ten to twelve more automobiles barrelling down the hill, besides bicycles, motorcycles, skateboards etc. etc. I urge you - Gentlemen of the Planning Commission - to give serious consideration to what has been here outlined as an earnest plea from all of us here and those at home."

Ben Gaines, 1971 Funston Avenue, remarked that even though no change of zoning might be involved, the fact was that construction of duplexes on the subject property would constitute a change in the character of the neighborhood which has always been zoned for single-family use. He felt the proposed project would be detrimental to the entire neighborhood; and he indicated that he would be opposed to any project which would rely on access from Funston Avenue.

Dr. Dorothy Orr, 1959 Funston Avenue, stated that she had purchased her house 27 years ago when it was three years old; and she indicated that she had experienced problems because of the unstable sand conditions in the area. While the applicant had constructed concrete barriers to stop the flow of the sand before the houses were built, the barriers were eventually broken; and almost all of the property owners in the area had had to have foundation work done to stabilize the buildings. Since almost all of the families who would be occupying the proposed units would have two automobiles, some of those automobiles would probably be parked along the access driveway; and, under such circumstances, she doubted that Fire Department vehicles would be able to maneuver the driveway.

Stephen Halpern, President of the Golden Gate Heights Association, remarked that while the lots in question may have areas in excess of 6,000 square feet, the usable portions of the lots probably amount to less than 3,000 square feet in each case; and, as a result, he felt that they should not be considered any differently from any other lots in the area. The one unusual condition was that the lots are interior lots; and he felt that that fact should encourage the Commission to be more sensitive about the type of

development being proposed. He urged that the lots be used only for single-family dwellings and that the buildings be limited to a height of 10 feet above street level so that they would not interfere with views from other buildings in the area. He also felt that the buildings should be subject to design review. He advised the Commission that parking cannot be allowed on streets which have a width of less than 21 feet; and, as a result, he believed that the access driveway should not be used for parking even if it does have a width of 18 feet. He stated that single-family attached houses are selling for as much as \$159,500 in the subject neighborhood; and, as a result, he doubted that the City would lose any tax revenue if the subject lots were developed with single-family houses rather than duplexes. Although the Department of City Planning may have issued a Negative Declaration for the project following its environmental evaluation, residents of the neighborhood had not been aware of the environmental evaluation and had thus had no opportunity to provide input into it. He felt that community input is vital to the environmental review process; and he objected to the fact that the department had issued a Negative Declaration in the absence of such input.

Dr. John A. Vaillancourt, 70 Rockridge Drive, remarked that an applicant associated with one of the projects which had been considered by the Commission earlier in the afternoon had met with residents of his neighborhood in advance to discuss his project; but the first that the residents of the subject neighborhood had known of the proposal presently under consideration was when bulldozers had arrived to perform site preparation work. He emphasized that the subject neighborhood has been a single-family area for forty years; and, even so, the area is already cluttered with automobiles, vans, etc. The proposed project would drastically change the character of the neighborhood; and, since the subject lots are in the interior of the block, the proposed project would delight no one except a voyeur. He doubted that the Commission would be prepared to approve new housing in the interior portions of every residential block in San Francisco; and, if that were the case, he believed that the proposed project should not be approved. He emphasized that the subject property has a severe slope; and the proposed buildings would occupy only a small percentage of their respective lots, ranging from 7.7% to 15.3%, because the remaining portions of the lots are not buildable. The Negative Declaration which had been issued by the staff of the Department of City Planning stated that the proposed buildings would not substantially block views from homes on Funston Avenue; but the fact was that the buildings would totally block views from some homes on Funston Avenue as well as on Rockridge Drive. The proposed buildings would impair natural drainage in the area. He doubted that Fire Department vehicles would be able to maneuver the access

driveway which had been constructed by the applicant; and he questioned whether those vehicles would be able to maneuver Funston Avenue in the immediate vicinity. He remarked that the applicant had not demonstrated conclusively that the proposed project would not have an adverse impact on the neighborhood; and he urged the Commission not to approve duplexes or any single-family houses for the site.

Commissioner Bierman asked what would happen if the Fire Department, after making its test, were to determine that the access which has been provided is inadequate. Mr. Passmore replied that the Fire Department would have to approve the building permit application for the proposed structures; and, if the access driveway is, in fact, inadequate, that department might disapprove the permit applications. The City Planning Commission would also have the authority to disapprove the building permit applications if the access driveway is known to be inadequate for Fire Department purposes. He remarked that the Fire Department had previously approved the permit for construction of the access driveway and must have been satisfied at that time that the driveway would be adequate for access to four dwelling units. However, eight dwelling units were now being proposed; and, in addition, the driveway may not have been constructed in accordance with plans which had been submitted and approved.

President Lau announced that the Commission would take this matter under advisement until the meeting of February 17 at 3:30 p.m.

EE75.423 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT
FOR PROPOSED ADDITIONS TO THE RALPH K. DAVIES
MEDICAL CENTER (FRANKLIN HOSPITAL) IN BLOCK BOUNDED
BY CASTRO, NOE AND FOURTEENTH STREETS AND DUBOCE
AVENUE.
(CONTINUED FROM MEETING OF NOVEMBER 18, 1976.)

President Lau noted that the Commission, during its Meeting on January 27, had voted to indicate its intention to continue this matter until the meeting of February 24, 1977. He reported that proposed revisions to the Draft Environmental Impact Report and the comments and responses section of the Draft Environmental Impact Report had been made available to members of the Commission and were available to members of the public. He then directed that this matter be continued under advisement until the meeting of February 24, 1977, at 4:00 p.m.

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Wednesday, February 9, 1977.

The City Planning Commission met pursuant to notice on Wednesday, February 9, 1977, at 7:30 p.m. in Gresham Hall at Grace Cathedral.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Moira So, City Planning Coordinator; Robert Feldman, Planner II; Jon Pon, Staff Assistant III; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner and Dan Borsuk represented the San Francisco Progress.

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ZM76.2 - NOB HILL AREA GENERALLY BOUNDED BY POWELL, LARKIN AND BUSH STREETS AND PACIFIC AVENUE.
REQUEST TO RECLASSIFY HEIGHT AND BULK DISTRICTS FROM 320-I TO 105-A AND FROM VARIOUS DISTRICTS (65-A THROUGH 240-D) TO 40-X, 88-A, AND 105-A. (FILED DECEMBER 19, 1975, AND AMENDED BY THE APPLICANT JANUARY 22 AND FEBRUARY 25, 1976 AND FEBRUARY 3, 1977.)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject properties which include 37 whole blocks and 12 partial blocks. The properties have an area of approximately 110 acres. The application had been filed by Terry Covert, President of the Nob Hill Neighbors, in conjunction with other property owners in the area. The application called for reclassification of height and bulk districts to 40-X for most of the area and to 105-A along California and Sacramento Streets from Powell to Jones Streets. The blocks generally surrounded by Clay, California, Stockton and Powell Streets are proposed for reclassification to 105-A or 88-A. Mr. Passmore briefly compared the proposal with height limits initiated for the subject area by the Commission under the Residential Zoning Study. In a letter dated January 20, 1977, the applicant had withdrawn that portion of the application affecting the property designated as the Sacramento-Stockton Redevelopment Project Area on which the Mei Lun Yuen residential commercial and garage project is to be built. That withdrawal was excepted by the Commission during its meeting of February 3. Mr. Passmore stated that a Negative Declaration had been issued for the application on January 14, 1977, and had not been appealed. He also described a number of projects known by the Department that are proposed to exceed the applicant's proposed height limit.

The Secretary stated that a letter had been received from Winnie Woon stating that she had signed a petition supporting the proposed reclassification but wished to have her name withdrawn from that petition since she believed that lower height limits would make it virtually impossible to develop new low-cost housing in the area.

Terry covert, Chaitman of the Nob Hill neighbors, read the following prepared statement:

"Ladies and Gentlemen, President Lau and mebers of the City Planning Commission. I am Terry Covert, Chairman of Nob Hill Neighbors. We welcome you to Grace Cathedral and to the Nob Hill Neighborhood. Tonight we have asked you to hear our request for a change in the height and bulk limits that presently exist on the hill. (Before going further we have received additional information on the Powell Street Public Library site where plans call for a moderate scale combined Community College and library building. We amend our application to delete this site from the pending proposal.

"This hearing marks the second time we have asked the Planning Commission to change the height limits. We have sent out numerous notices and had open public meetings advertised in the media and by flyers throughout the neighborhood on this issue. Tonight's hearing marks for the first time the coming together of the community on this issue. We look forward to the public testimony and hope all citizens will express their point of view so a rational democratic decision may be made. Three years ago you granted part of our request and changed the density from R-5 to R-4 over much of the area. However, we are still threatened with luxury high rise development. The proposal before you will stop that threat.

"Our association is organized for the purposes of promoting the public good within the area and improving the quality of life by the promotion, initiation, and support of various community projects including decreasing the noise level, initiating the use of more trash containers, beautification of the neighborhood, and informing neighborhood residents of the effects of high-rise development. Our quarterly newsletter goes to over 800 Nob Hill Homes reaching both tenant and owner.

"We speak a point of view representative of a great many people living in this neighborhood. We came together to see what could be done to stop the destruction and loss of open space on the very top of the hill, the 1340 Clay Street property and the problem faced with the Sproule Lane Site.

"Since joining together, we have started cooperative efforts between owners, tenants and Neighborhood Churches to plant more trees on the streets. From these efforts, Clay Street has 30 more trees and the Mayor's BiCentennial Awards Committee has awarded \$8,000 to the neighbor-

hood to be used for more improvements. We ask any citizens ideas on how these funds should be spent. Our board of directors meets on the second Wednesday of each month in the Cathedral House Dining Room at 6:00 p.m. and is open to the public.

"Next month or in April we hope to complete our second tree planting project on Leavenworth Street. Many of you may have seen the new benches at various bus stops on your way to the meeting tonight. Here, citizens of the community with neighborhood initiated improvement funding have made our tax dollars stretch for us and made the neighborhood a better place in which to live. Our proudest achievement came last month when the Park and Recreation Commission and yourselves gave approval of the purchase of the 1340 Clay Street Parcel as a New Park for the entire neighborhood. Nob Hill Park will be a reality in the very near future and we again ask the public's comments on how this new park may be used to best serve the needs of the area.

"We have been concerned with the housing issue. We led the way in preserving 48 units of low cost housing that St. Francis Hospital had wished to replace with a non-residential doctor's office building. This housing is now completely renovated and provides attractive, low to medium cost housing to area residents. We thank St. Francis Hospital for their sensitivity to this issue.

"In the International Hotel controversy we have supported the retention and preservation of this low cost housing. On the Mei Lun Yuen housing project at Sacramento and Stockton we have supported lost cost housing of this site. Our concerns have been valid in this controversy. After this Commission voted to go ahead and approve the project, even after adjacent interested home owners have gone out of their way to provide alternate plans at great expense to themselves, our board of directors withdrew our petitions on that site and now fully supports this project.

"Low cost housing must be built, but let it be built to enhance the existing environment -- not destroy it.

"Zoning decisions should be based upon preserving all existing housing especially medium and low cost.

"Currently, you have pending before you, proposals to build a 109 foot, 11 story luxury condominium on the Helen Alley-California site, a 16 story luxury condominium on the Powell-California site, and interest again on the Sproule Lane site. The very nature of the area will be drastically changed if you fail to change the speculative zoning standards.

"In closing, during the last mayoral race at our candidates night on October 3, 1975 held in this room that was attended by all of the major candidates and by all types of citizens of the neighborhood a straw vote was taken for mayor and additionally, the question was asked, 'Do you favor more high rise construction on Nob Hill?' The results of that vote were, 6 yes they favor more high rise, 123 did not favor more high rise and 31 undecided. The height and bulk issue has been hanging over this neighborhood for a long time. We urge you to make the zoning reflect the existing use."

Dave Vogel, 1335 Clay Street, made the following statement:

"Members of the Commission and the audience, my name is Dave Vogel and I live in a 4 story building at 1335 Clay Street."

"In writing about Nob Hill in her book 'S.F. At Your Feet', Margot Patterson Doss says, 'Nob Hill is synonymous in San Francisco with rank, swank and status.'"

"While Ms. Doss has certainly captured the image many people have of Nob Hill, an examination of the 1970 census data for the area reveals a more balanced and realistic picture of what kind of people actually live on the hill. The neighborhood is full of incredible diversity and contrasts, ranging from stupendous wealth to incredible poverty, all within a few blocks of each other."

"While roughly 10% of the families in the area earn an income of \$25,000 or more, an equal number, or 10%, are at or below the poverty level for their family size."

"Another misconception many people have is that Nob Hill is predominately an adult community with few children. About 3300 children live on the hill, comprising 14% of the population."

"The ethnic makeup of the neighborhood can be characterized as 51% Caucasian, 49% Chinese, and a small portion of other ethnic groups. Over 23,000 people live on the hill."

"The density of population in the area is 90 to 120 people per gross acre or 4 to 5 times that of the City as a whole. The City is losing hundreds of residents each year. Does it make sense, in view of this, to encourage increased density in an already overcrowded area?"

"We have prepared a map which illustrates the current height of buildings on the hill."

- "(1) Red areas designate buildings of 10 stories or more.
- (2) Black areas, buildings 30-50 feet.
- (3) Purple areas, 40 feet
- (4) Green areas 30 feet or less

"Red	1.5%
Purple/Black	31 %
Green	70 %

"It is clear that the majority of us live in 3 or 4 story buildings and walk the streets every day.

"What all of these figures really mean is that we're already a crowded neighborhood with little open space. Many residents do not have access to a car which could be used to escape the density and closed in feeling of the city.

"It is not just the wealthy high rise dwellers with a 'Nob Hill' view who would benefit from a rezoning of our neighborhood.

"All of use appreciate the sunlight and blue sky we presently have. We don't need more highrises which block the sky, increase the density, and produce occasional gale force winds at street level.

"I ask you to help us rezone the hill and prevent Jones Street from becoming a hill-top wind tunnel similar to the Montgomery Street Canyon."

Mrs. Charlie Hurst read the following statement:

"I'm Charlie Hurst -- and I've lived in a rented apartment on Nob Hill for nearly 13 years, surrounded by many neighbors who have made their homes here for that long or longer.

"Nob Hill is -- surprising as this may be to many people -- a very stable neighborhood. Initially, I dreaded moving from the 'country' comfort of Russian Hill to live 'downtown' -- except for the location's obvious convenience. But I quickly found that Nob Hill is a true 'in town' community -- a neighborhood of people, like any other.

"It's unfortunate that so many San Franciscans hold the tourist view of Nob Hill as being the special purlieu of wealth, prestige and privilege -- crowned by the Fairmont, Mark Hopkins and Huntington Hotels, by high-rise apartments, elegant town houses, Huntington Park, the Masonic Temple and this beautiful Cathedral.

"Nob Hill in fact stretches from Powell to Polk, and from Pine to Pacific. This Nob Hill -- the real Nob Hill -- is crowded, various and heavily-trafficked. Dave Vogel has pointed out, Nob Hill's population density is already almost 5 times greater than that of most San Francisco neighborhoods. Far from being the exclusively adult and monied community it is thought to be, it houses and serves people of all ages, races, economic strata, occupations, faiths and interests. The majority of these live not in the great hotels, the expensive buildings and manicured town houses, but in small to medium-sized rented apartments.

"How then can the same plague of high rises that has consumed the Financial District be allowed to devour our homes in its uphill rush? Should a few property owners who control the few prime parcels be permitted to develop their property at the expense of the entire neighborhood? Or should the neighborhood's human scale, developed over the past 70 years, be protected for the humans who will continue to inhabit it?

"The present height and bulk standards for Nob Hill say that 32-story buildings could be built around this cathedral and 20- and 24-story buildings around most of the slopes of the hill. Since the 1906 earthquake, Nob Hill has become a diverse area where the average height of buildings around the slopes is 4 stories (or 40 feet), and 10 stories (or 100 feet) on the top of the hill.

"During the last 5 years, community and neighborhood groups in the Haight, Richmond, Pacific Heights, Inner Sunset, Russian and Telegraph Hills and the Mission have achieved zoning changes to reflect actual use. Nob Hill Neighbors is now asking for the same right to preserve (our neighborhood) this area of ours.

"With your adoption of the new set of 'Interim Zoning Standards', density construction has been further reduced. However, these controls only partially restrict high-rise construction in the established height and bulk districts.

"We feel that this protection is totally inadequate for the preservation of the neighborhood. We believe our proposal for limiting building height to 4-story buildings around the slopes and 10-story buildings around Huntington Park is in keeping with the area's traditional character.

"The existing zoning prompts real estate speculation and demolition of small-scale moderate-cost housing units -- encouraging their replacement by high-rise, high-density and high-cost apartments.

"The 109-foot luxury cond minium proposal for Helen Alley (near California and Leavenworth) is a classic example. Three units of medium-priced housing and a colorful local bar would give way to a large slab-like building like the Van Ness Holiday Inn. The proposed Helen Alley would contain 4 floors of parking on the lower levels with 9 upper stories of living space. The building would have a totally disruptive effect on the immediate environment through massive excavation disturbance, the darkening of the neighborhood and increased traffic congestion.

"Only a few highrises can be built in a neighborhood before they destroy the quality which brought them there in the first place. From a Department of City Planning paper of May, 1975: 'There is great concern that proliferation of high-rise buildings will be detrimental to the remaining low-rise dwellings due to potential loss of sunshine, loss of views, increased crime resulting from less surveillance of street areas from immediately adjacent dwelling units, and increased traffic generation.'

"Consider crime, if you will. By its very nature, the highrise is a private world with little contact with the area in which it stands. People who live in highrises rarely walk through their neighborhood; they drive through it. There is less personal contact and fewer people know each other. Burglars are attracted to neighborhoods with highrises because they signify material wealth. When they arrive at a highrise, they are confronted by tight security and a doorman -- so they go elsewhere in the neighborhood to do their business. When areas have a real sense of neighborhood, the criminal is hard pressed to commit his crime because more people know each other, are concerned for each other -- and are watchful.

"Unless rezoned for lower heights and density, Nob Hill will unquestionably be 'developed' -- which is to say, turned into another tall and expensive downtown -- at the expense of a neighborhood's access to some tranquility and freedom from the numerous pollutions (mechanical and human) that circumscribe and almost define city life.

"Nob Hill Neighbors' rezoning effort has been ongoing for 4 or 5 years. We respectfully submit that it's time to take a firm stand -- and make a final decision. IN FAVOR OF REZONING NOB HILL.

"Match the law to the traditional contour and character of San Francisco. This has happened in many other neighborhoods. It is essential that it happen on this hill - San Francisco's most storied and famous -- before it becomes a faceless extension of downtown Manhattanization.

"In closing, another sobering thought: It's not our fault that we live on a fault -- but we do!"

Bob Freise, Executive Director of the Nob Hill Neighbors and a member of the Nob Hill Association, stated that he did not feel that there was a right or wrong side to the issue before the Commission; and, therefore, he felt that the Commission would have to decide who was "more right" and which values should be protected. He stated that he had lived in Chicago at one time in a neighborhood consisting of 3 and 4 story buildings; and he indicated that that neighborhood had been destroyed because of the construction of two high-rise buildings. He stated that he likes Nob Hill as it is at the present time; and he believed that further high-rise construction on the hill would destroy the character of the area by increasing noise, traffic congestion, and parking problems. He felt that the Chinese community had a right to feel that they had not had an opportunity to participate in the proposal for lowering height limits on Nob Hill; however, now that contact had been made between the two groups, he felt that better communication would result in the future. He stated that the Nob Hill Neighbors had not been opposed to the construction of housing on the site at Stockton and Sacramento Streets; and, in any event, the portion of the application affecting that property had been withdrawn. Another point at issue was the proposed expansion of the Chinatown branch of the Public Library. The Nob Hill Neighbors had not been aware that a 75 foot high building was being proposed for that property; and if they had known, that property, also, could have been withdrawn from the application.

He stated that the Nob Hill Neighbors were not opposed to projects which are needed to serve the neighborhood; but they did wish to preserve the neighborhood as a place where it is enjoyable to live.

Stan Herzstein identified himself as one of the "wealthy cats" who live in a corner penthouse on the top of Nob Hill with a fantastic view for which he pays the City more than \$7500 a year in taxes and which he intends to fight to preserve. By the same token, he felt that he had acted in the interest of the community by serving as Chairman of the Finance Committee for Proposition J, the Open Space Acquisition Fund, from which more than \$1,000,000 has been allocated for purchase of a new park in Chinatown. He remarked that New York City is an example of the fact that high-rise buildings result in a higher crime rate. San Francisco is already suffering from pollution; and increased construction of high-rise buildings would make that problem more severe. Nob Hill already has a noise problem as would be attested to by anyone who has heard the garbage trucks at the Fairmont or the buses on Sacramento Street. He stated that the Supreme Court had ruled that people are entitled to light and air; and he emphasized that there is no such thing as an earthquake proof building. People's health is also related to noise. In terms of scale, people can relate to a four story building but not to a 200 foot high building. Tourism is one of San Francisco's major industries; yet, he doubted that a single tourist comes to San Francisco to look at high-rise buildings. Land is no longer a commodity but is, rather, a resource; and, as a result, it is necessary to give more attention than ever before to how land is used. Once destroyed, Nob Hill can never be replaced; and he urged the Commission to enact the proposed height limits in order to preserve the present quality of the neighborhood.

Arnold Browning, 1055 Mason Street, read the following statement:

"Sometime ago the matter of height and density limitations for new construction on the top and slopes of Nob Hill came up on a hearing of the former Planning Commission of the City of San Francisco. At that time I presented a paper stating my convictions regarding the present and future welfare of the City of San Francisco which resulted in considerable comment after the meeting and from hearers and viewers on the T.V. broadcast.

"Some of the remarks heard at the meeting called by the Commission were: 'I came to San Francisco last week and I love it just as it is.' and 'I represent a property owner who advocates a status-quo.' and 'We want Nob Hill to be a small town neighborhood.' The latter remark was an expression from an organization that is closely affiliated with a prominent owner of an apartment in a high rise building on the Hill. One can easily deduct that the prime objective here was solely to preserve his marvelous view of the city and bay.

"I ask you her tonight, 'Are we to discuss benefits to individuals or benefits for the whole city of San Francisco as it affects living here today and tomorrow?'

"My concern here is particularly related to the stringent proposed regulation of a forty foot height limit to new buildings on the slopes of Nob Hill because we will retard healthy new developments for the community. The market value of real estate has risen so much that only larger buildings to replace smaller structures will be economically feasible and bring about many desired improvements.

"These improvements are at least three fold: 1) Whereas, many of the older buildings, and some not so old, do not provide adequate, if any off-street parking for tenants or guests - new construction, by law will provide adequate off-street parking. 2) Whereas, many of the present structures do not incorporate new innovations demanded by the upper-middle-class which San Francisco desperately needs to balance its economy - new construction will be most appealing to them. 3) Whereas, the present real estate tax base for land is about 50% higher than the tax base for buildings - new construction will more than reverse the situation, producing buildings with a value triple the value of the land.

"It is imperative to bring about a NEW DAY in which healthy developments occur. The improvements cited cannot be accomplished without a concerted effort to encourage new construction to this dormant area of San Francisco. Here magnificent vistas of bay and city may be shared with the very rich and here the convenience of living next door to the financial and retail centers of our fair city are a reality, saying nothing about the many other amenities that would lure the upper-middle-class to return to our beloved San Francisco, if desirable housing were available.

"Therefore, limiting the total height of all new construction to forty feet, four floors or less, will greatly retard progress. Unfortunately, this limitation includes parking areas. In most cases this provision will result in less housing than presently exists. Only a fool would think of replacing his present building. Some people who are meeting in the confines of this church property where one does hear about 'Brotherly Love', would deny his brother a reasonable chance to live the good life in desirable quarters on the slopes of Nob Hill, if it would in any way effect his marvelous view from a well-known high rise. In the past, when the high rise buildings shut off sunshine and light from adjacent properties, the neighboring voice went unheard, but now that the people's concerns are actually being heard in government, fairness should prevail.

"I sincerely believe that the height limit for frame buildings, should be based on forty feet, four floors above the area required for parking of tenant's and guest's autos. I also believe that at least an eighty foot height limit for steel and concrete construction be allowed.

"In conclusion, we are told that the population of San Francisco is declining, even though we have one of the healthiest climates in the world. Nevertheless, some people whom you might call 'The Responsible Citizens of San Francisco' advocate stagnation in the development of a very desirable

section of the city which could attract many permanent citizens. Unduly limiting the height and density of buildings, as pointed out, can cripple San Francisco and prevent the return of the upper-middle-class that we have lost. Little do these people and others realize that they personally will inflict on all of us higher and higher real estate taxes because the properties in question are not yielding and under the proposed conditions will never yield their potential in revenues for the city. These short-sighted individuals do not wish to share the glories of San Francisco with other people in the world. We cannot afford to be introverts - this is against the make-up of true San Franciscans. We must be open to the new, not destroying the good of the past which was based on the thinking of a forward-looking populace.

"I hope that this time I have made myself abundantly clear, and that the goals set forth will be regarded as worthy of implimentation."

During the course of Mr. Browning's presentation, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

Ed Head, President of the Nob Hill Association, advised the Commission that the majority of the Board of Directors of his organization were not necessarily "pro high-rise" but that they did feel that there are certain locations in the neighborhood where high-rise buildings would be appropriate. He noted that it used to be a policy of the Department of City Planning that high-rise buildings should be located on the tops of hills in order to emphasize the form of the City; and he felt that that policy should continue to govern. A number of new zoning standards have been implemented during recent years; and Nob Hill has been designated as a special use district. He indicated that Chinese people own between 70 and 80 per cent of the land on Nob Hill; and it was obvious that they had not been consulted with regard to the height limit issue. The community has a need for moderate-cost housing; and he felt that it would be impossible to provide such housing on the valuable properties in the neighborhood under a 40 foot height limit. He thought that it should be recognized that Nob Hill is not suburbia but is, in fact, part of downtown San Francisco, and he indicated that he was amazed that the strongest complaints about the high-rise buildings had come from people who live in existing high-rise buildings on Nob Hill. He remarked that no one owns the view which they presently enjoy; however, through proper design, views can be shared. He hoped that the Commission would disapprove the subject application.

Phil Chin stated that he had received two messages from proponents of the application. The first was that rampant high-rise development is bad; and the second was that "the great white father knows best". He agreed with the first and felt that it was obvious that the second was not necessarily true.

Y. B. Leon, Co-Chairman of the Chinatown Coalition for Better Housing, addressed the Commission in Chinese; and his remarks were translated by Phil Chin. Mr. Leong noted that a study which had been undertaken by the staff of the Department of City Planning indicated that 2,000 new units of housing are needed for the

poor and elderly in Chinatown by 1982; and he emphasized that no new housing units have been completed to date. Efforts which had been made to achieve the construction of new housing have been delayed by certain people who were concerned about their views, pollution, property values, and shadows; and he felt that those same individuals were now trying to prevent the construction of new housing through unilateral and unreasonable rezoning. He believed that there was no reason why properties east of Taylor Street or north of Clay Street had been included in the subject application unless the purpose was to keep the Chinese community living in a ghetto. He stated that he would not be opposed to rational zoning restrictions; and he indicated that the people of Chinatown would not allow a few "self-serving individuals: to control their future. He urged that the proposed rezoning be disapproved.

Newton Cope, a property owner on Nob Hill, stated that he did not like the idea of having his rights violated for the purpose of preserving someone's view; and he hoped that the application would be disapproved.

Anni Chung, representing self-help for the elderly, emphasized that not one new unit of housing had been constructed for Chinatown since the Department of City Planning had completed its study which indicated that 2,000 new units of housing are needed by 1982; and she indicated that the existing housing project in Chinatown has a waiting list of eight years. She felt that the zoning restrictions which were being proposed by the Nob Hill Neighbors would prevent the construction of housing in the neighborhood, particularly housing of the sort which is needed to accommodate elderly and low-income people. A 40 foot height limit would make new development economically impossible. She was also disturbed by the fact that the Nob Hill Neighbors had never discussed the proposal with the Chinese community. She hoped that the Commission would disapprove the application so that the area would revert to a 160 foot height limit; and she indicated that the Chinese community would be willing to discuss more rational restrictions for the neighborhood in the future.

George Woo, 1375 California Street and a member of the Gee Hon Oak Tin Benevolent Association, remarked that it appeared that the proposed rezoning had been sponsored by a very small but vocal minority who do not own property in the area. He indicated that he was strongly opposed to the proposed height limits because they would effect property values and the livelihood of Chinese people living in the neighborhood; and he emphasized that Chinese people own approximately 80 per cent of the property in the Nob Hill area. He believed that the existing zoning pattern would prevent a proliferation of high-rise buildings throughout the Nob Hill area. Although proponents of the application had contended that high-rise buildings cause pollution, he felt that a greater amount of pollution is caused by commuters who have left San Francisco because they cannot find decent housing in this city. He stated that low-cost housing is needed in Chinatown; and he felt that it would not be possible to construct such housing under a 40 foot height limit. If a 40 foot height limit were established, he believed that the area would become a slum in a very short time.

Gerald Chan, owner of property at 1422-26 Sacramento Street, remarked that Nob Hill Neighbors represents a small, economically advantaged minority on Nob Hill; and, as a property owner on the west side of Nob Hill, he did not feel that the Nob Hill Neighbors represented him. He urged that the application be disapproved.

Kathy Fong, a resident of Nob Hill, stated that she had not been aware of the "down-zoning" request until last Saturday when a leaflet was left on her doorstep; and she indicated that she was opposed to the proposal.

Billy Lim, representing the Chinese American Institute of Engineers, remarked that the boundaries of the proposed height limit district appeared to have been selected arbitrarily; and he questioned if the proposed "down-zoning" could be justified in terms of urban design principles. He also wondered what the social-economic impact of the proposed "down-zoning" would be.

Dr. Dennis Wong read the following letter which had been prepared by Clarence Poon, President of the Chinese Chamber of Commerce:

"The Chinese Chamber of Commerce would like to state for the record our opposition to the downzone request submitted by the Nob Hill Neighbors organization. We are concerned with the environment around the Chinatown community and how it would affect business, commerce and the quality of life in the future. We do not feel that the Nob Hill Neighbors represent the interests and concerns of our community nor do we feel that it is appropriate for them to attempt to speak on our behalf without prior consultation with us.

"On December 20, 1976, the Chinese Chamber of Commerce, along with the Chinese Six Companies and the Chinese American Citizens Alliance met together and adopted a resolution to maintain existing height restrictions in the Chinatown area. We do not favor either the raising or lowering of height limits at this time. We feel that zoning and height restrictions should allow for controlled and well-planned growth as well as the development of desperately needed low cost housing in the future. We therefore, strongly urge you to reject the downzone request submitted by Nob Hill Neighbors. Thank you."

Dr. Wong stated that he also represented the Chinese American Citizens Council; and he indicated that that organization, also, was opposed to the proposed "down-zoning". He indicated that the Chinese community has the highest TB rate, the highest unemployment rate, and the highest suicide rate in the city; and, at the same time, the community has the greatest lack of park and recreation space. He believed that the proposed height limits would make it impossible to construct new buildings in Chinatown; and he felt that perpetuation of the ghetto would eventually affect Nob Hill itself. In conclusion, he expressed the opinion that height would improve the quality of the neighborhood.

Virginia Gee, owner of property on Nob Hill, made the following statement:

"I would like to begin by stating that I support establishing lower zoning limits and my reasons are many. As a matter of fact, they are very similar to those of the Nob Hill Neighbors. The major difference is that my reasons go beyond the point of just merely scratching the surface.

"The point of achieving scale limitations should be considered because the needs of our community has changed drastically from where we were 10 years ago to where we are today.

"Russian Hill, Telegraph Hill and Pacific Heights are unique areas in themselves and rightly so, however, Nob Hill also carry a uniqueness of its own. That uniqueness is the fact that it has the 'heart' of Chinatown at the foot of its hill -- realizing that San Francisco is one of the largest, if not the largest, Chinese community in the United States. Have we really considered the adverse impact this rezoning will have on a 'unique' community that has outgrown its geographic limits in the last 10 years?

"I also share the Nob Hill Neighbors' concern to protect the area from overbuilding because of congestion, pollution noise, impersonality and heightened crime rate.

"Yet, it is beyond me to justify the proposal of allowing the Grace Cathedral area to be rezoned to 105 feet. This is one of the worst areas that is already congested because of the obvious major hotels, heavy traffic area of cars and cable cars, heavy tourist attraction and the on-going traffic jams from the Masonic Temple events. Is this our idea of a good example? Now I ask you, would not these problems in themselves constitute a reasonable rationale for limiting this area to 40 feet?

"I sometimes wonder if we are not talking from both sides of our mouths when we address the issue of overbuilding impersonalities. If we are sincere and strong in our convictions to prevent impersonalities, are we speaking of people or of the concrete? I would hope that we will speak seriously to the issue of the 'people'. For hearings such as these should represent consensus of all the people rather than the continuing conflicts, that is, should not each one of us be more sensitive and compassionate to the needs of our neighbors?

"Nob Hill Neighbors want to maintain property values, tenancy rates and equitable taxes because high rises potentially cause higher taxes. I support that -- and furthermore, a lot of us are very aware of unnecessary waste and I am perceptive enough to also realize that some of these hearings are counter-productive. Some of these proposals prevent others from progressing, growing, or even developing. It is not only unhealthy, but

it is a misuse of peoples' time, and time is money, and not to mention the indirect cost it has to the tax payers when these proposals do not represent the total community's interest. Let me state also that ineffective proposals are not potential costs but real and immediate costs.

"Let us not overstate our commitment and concern for protecting our environment. For we have said much the same in other important issues such as equal opportunity, affirmative action in employment, education and in most areas of great interest. I see this as a first generation issue....and hopefully, we are in agreement.

"It is really the second generation issues that we should be more attentive and responsive to. The second generation issue addresses the questions of 'how do we propose to carry it out and what mode are we using?' 'What are the pros and cons?' 'What will the impact be because of our decision or actions?' Which brings me to the question of this specific proposal. 'What criteria' was used to determine which areas were to be considered for 105 feet or 40 feet? 'What per cent of the Nob Hill Neighbors represent the overall views of the Chinese community?' For that matter, why not 40 feet equally for all? Let's hope that it was not an arbitrary decision, if it was, you ought to follow up to evaluate the merits of your paid advisors to insure that you are getting a reasonable return for your investment.

"In all good faith, how can I honestly support this rezoning proposal when the formula is:

"320 feet to 105 feet representing 33% (67%) change
240 feet to 40 feet representing 16% (84%) change
200 feet to 40 feet representing 20% (80%) change
160 feet to 40 feet representing 20% (75%) change
130 feet to 40 feet representing 30% (70%) change

"I do not claim to be a mathematician -- but I know when something is inconsistent and unequal in application.

"We are beyond the point of who of us is more environmentally committed. In theory, I feel most of us are in consensus in the sensitivity towards our whole environment. In practice, I feel that there are enough creative, sensitive and diverse talents available in this room to sit down together to realistically study and problem solve this proposal. Are we so impersonal that the leaders of this entire Nob Hill neighborhood-community cannot take the initiative to establish rapport, to meet, and to return to the Planning Commission with a 'constructive results oriented solution' that will not represent solely for special interest groups but for all."

Ben Tom, Vice-President of the Board of Education, stated that he was opposed to the establishment of an arbitrary 40 foot height limit for Chinatown; and he felt that the application had probably been filed because of a "sour grapes" attitude on the part of some Nob Hill residents. He believed that any height restrictions which may eventually be adopted for Chinatown should be worked out with residents of the community.

Wilson Chang, Chairman of the Building and Site Committee of the Chinatown Community College District Center, stated that he had been working with the Chinatown branch of the Public Library for the past two years to develop a proposal for joint use of a single parcel of property in Chinatown; and he was amazed that the Nob Hill Neighbors had apparently not known that those plans were in progress. He urged that a 40 foot height limit not be approved for that property.

Way Lew, a member of the Senior Citizens Association, emphasized that housing is needed for elderly and poor people in Chinatown. He was pleased that the Commission had withdrawn the Stockton/Sacramento Street property from the application so that the housing project proposed for that site would not be affected by the new height limits. However, he emphasized that a total of 2,000 new dwelling units are needed in Chinatown; and only a small portion of that need would be filled by the Stockton/Sacramento Street project. He felt that the proposed height limits would make it impossible to develop new housing in Chinatown; and, therefore, he was opposed to the proposal.

Don Wong, 1846 Larkin Street, remarked that the proposed "down-zoning" appeared to be a scheme devised by a small number of individuals who did not represent the majority of property owners in the area. In a sense, the situation reminded him of the Richmond District traffic barrier issue; and he felt that that experience should have forewarned everyone that major decisions require input from all citizens who will be affected.

Luenel Jen, representing the Chinese Six Companies, read the following statement:

"I am Luenel Jen, official spokesman for the Chinese Consolidated Benevolent Association, commonly known as the Chinese Six Companies. I am past president and I am an incumbent director. The Six Companies is the City Hall of Chinatown and gravely concerned with the problems and welfare of the Chinese people in Chinatown, especially housing. I also wish to speak as a resident and property owner of Nob Hill, as I own a large apartment house in the area. Many of my friends also own large apartment houses in the area, as well as many flats and residences. I believe we Chinese own half if not more of the real estate property on Nob Hill. Now a few individuals, calling themselves Nob Hill Neighbors, has applied to the Planning Commission for a downzoning of this area to 40 feet height, bordering from Stockton Street to Larkin Street and from Pacific Avenue to Bush Street.

The Chinese Six Companies is on record opposing this downzoning and request the status quo be maintained. The Chinese property owners and residents on Nob Hill have not been notified or consulted on this matter and they definitely oppose this downzoning.

"The majority of American citizens are just and fairminded and generally altruistic, as evidenced by their generous donations to any calamities happening any where in the world. They always lend a helping hand. However, there are a few individuals who are obsessed with selfish interest and self aggrandizement and will stop at nothing and employ any devious and nefarious means to obtain their ends. They will exploit the minority people and suppress and deny the rightful privileges of the underprivileged. This action to downzone the area to 40 feet height bespeaks their desire to put a lid on the area to block any attempt to construct new housing projects for the need in Chinatown. Their ulterior motive is viewed as long term so that in 20 years hence when no new construction is in evidence, then the area will be declared as a blighted area and redevelopment takes over. Then the height limit may be extended to 200 or 300 feet. They have mentioned time and again that high rise construction on Nob Hill will obstruct their view of the Bay and waterfront. This argument does not hold water, because Nob Hill is on a hill and tall buildings will not block anybody's view. The high rises that really obstruct the view of the waterfront are the Bank of America buildings, 54 stories high, and the Pyramid buildings, also 54 stories high on Kearny Street. Have these individuals on Nob Hill attempted to stop them, these so-called big interests? No, they would rather pick the Chinese in Chinatown. It is a crime against humanity of the greatest magnitude to deprive low-income citizens their rightful adequate housing.

"We have all the high City, State and Federal officials on our side. Mayor Moscone is very concerned with the housing problem in Chinatown. He has appointed Mr. Gordon Lau as the Chairman of the Planning Commission. He also appointed Mr. Mel Lee on the Redevelopment Agency because he is fully aware that these two Chinese gentlemen are deeply involved with the dire housing needs of Chinatown and can do something about the problem. When Mayor Moscone campaigned in Chinatown during the election, he did not promise anything to the Chinese. When he took office as Mayor, he immediately took the above action. The Chinese has a saying that a picture is worth a thousand words. Similarly, one great deed or act is worth ten thousand words. Mayor Moscone is the kind of Mayor we need for this great city of San Francisco.

"Our great Governor, Governor Brown, spent one night at the Pink Palace, to find out for himself the wretched conditions existing there. Now he might just turn out to be a super governor by coming in Chinatown and spend a night in the Ghetto with a Chinese family. But then, Pink Palace is Waldorf Astoria compared to the squalor of a room, eight by ten feet for a family of six. He might have to sleep on the floor as there is no room for a seventh bed. Regardless, whether he comes to Chinatown or not, he is the kind of governor for the State of California.

"Now we come to the newly inaugurated President of the United States, Jimmy Carter. Let me quote a passage of his inaugural address as follows: 'We will be very vigilant and never vulnerable, and we will fight our wars against poverty, ignorance and injustice, for those are the enemies against which our forces can be honorably marshalled.' When he attended church on Sunday in Plains, Georgia, they would not admit blacks. He saw to it that blacks were admitted. These are acts of greatness. He has pledged to assist the underprivileged and downtrodden. This is an act of greatness.

"For the future greatness of our great country, which we all contributed to build into the finest nation in the world, all true Americans must strive to expose injustice and to irradicate it where found.

"Most of the Chinese in this Country are third generation Americans, as their grandfathers migrated to this country to help build the railroad. Who help to build up this great Country? It was the Irish and the Chinese, the Irish from the East Coast and the Chinese from the West Coast and they met in Utah. The black slaves raised cotton in the South and the cotton was shipped to Europe. The South became properous and wealthy, not for the slaves but for their white masters. We must recognize that these people contributed to the greatness of America and this country owes them a great indebtedness and they should receive their due reward for their blood and sweat. We believe the Irish have already received their reward because they are white. However, the Chinese and Blacks have a long way to go. Such subject matter under discussion tonight is one of the inequities, and injustice.

"We Chinese in America may be a minority race. However, in the world at large, we are the majority race. We Chinese have great potentials in the future, so don't sell us short. Some day, you may need a helping hand from the Chinese people.

"We are gratified that the Planning Commission approved last month the Mei Lun Yuen project which offers 200 low-cost units for the elderly and low-income citizens. It is a good beginning but we need 5,000 units to alleviate the housing shortage.

"We appeal to you, again, members of the Planning Commission, to reject the application of this small group of individuals on Nob Hill to downzone the area to 40 feet which is ridiculous, impractical and it is an injustice and affront to the Chinese people in Chinatown."

Lonnie Chin, a resident of Nob Hill, stated that he was opposed to the proposal to lower height limits on Nob Hill and indicated that he felt that existing height limits are adequate. He believed that all of the members of the audience were concerned with their environment; but he believed that the proposal for lowering height limits reflected not human values as much as a selfish concern for the preservation of existing views.

Po Wong, representing the Chinese Newcomers Association, felt that the proposed height limits would prevent the construction of new housing in Chinatown; and he believed any new construction in that community would have to take the form of high-rise buildings.

Germaine Wong, a resident of Nob Hill and a representative of Chinese for Affirmative Action, stated that she, also, was opposed to the proposed height limits. Chinatown is not a suburban community; and it needs more educational facilities, more health care facilities, more child care facilities, more recreational facilities, and more housing. She did not feel that any of those needs would be fulfilled if the area were subject to a 40 foot height limit. Furthermore, a 40 foot height limit would hinder the growth of Chinese Hospital. She also remarked that Chinese people have been trying to get jobs in the construction industry; and she felt that they would have more opportunity for such jobs if new construction is initiated in Chinatown.

Ernest Wong, a resident of Chinatown, and Jack Quan, a representative of the Chinatown Resource Development Center, stated that they were opposed to the lowering of height limits on Nob Hill.

Buddy Choy, representing the Chinatown Coalition for Better Housing, read and submitted the following prepared statement:

"The need for housing in San Francisco has reached the crisis stage. The problem affects Chinese and non-Chinese, the poor and the middle-class, homeowners and renters. But the problem is most acute in Chinatown which has the greatest percentage of substandard units in the City. The density rate in Chinatown is 228 persons per acre compared to 25 persons per acre in the rest of the City. This is the highest level of density in the entire country.

"The Chinese community has long realized that the only way to solve the housing problem in Chinatown is through a comprehensive planned program of new and rehabilitated units, both in the core area of Chinatown and in outlying areas. Even if new construction resources were available to completely develop the Chinatown core now, there is no way to accommodate all of our residents in the core, given current zoning and HUD regulations. This obviously necessitates that areas surrounding Chinatown be utilized for development of low and moderate income housing.

"The City Planning Department agrees with this approach which emanated from the #701 Study completed in 1972. Since that time, the Planning Department has been working with us to seek sites both within and outside the core area. While we have not identified definite outlying sites to pursue at this time, we do realize that the feasibility of potential sites will be closely scrutinized by the Mayor's Office of Community Development and the Board of Supervisors when we request funding for future site acquisition.

"We hope the Planning Commission realizes the importance of a balanced approach toward development. We would like to impress upon the Commission the probability that future low-income housing sites will not be massive in scope, given land availability in the area. Indeed, future developments may very well approximate in size and height two existing projects in the area which have been praised for design. The first is the 990 Pacific Street Senior Citizen Housing Project, and the second is the new market rate project on Sacramento and Hyde Streets. Both of these projects are over 40 feet and comparable projects will not be possible in the future with a 40 foot limit.

"Also, the Coalition asks that the Planning Commission insure the feasibility of low and moderate income housing in your forthcoming Residential Zoning Study recommendations on density. While we recognize the need for consistency between height and density, we feel that neither should prohibit future low and moderate income housing. Although the term 'exclusionary zoning' has usually been applied to suburban areas, we feel it is relevant to the issue at hand.

"The Chinatown Coalition for Better Housing believes that the height limits established in 1972 are sufficient to provide a balance between environmental protection and the need for housing. The 1972 height revision was in response to environmental needs. We certainly would not be in favor of increasing the height limits because we too are concerned with the environment.

"The Coalition has struggled for years to obtain the funding necessary to develop more housing for low and moderate income persons. We have learned that housing is very dependent on financial limits imposed by HUD on a total project basis and on a cost per unit basis. Existing projects such as the Sacramento-Stockton Housing Project will barely meet the statutory limits established by HUD. Similar problems will occur in future developments as lower height limits will reduce the number of possible units and thus increase the cost per unit.

"We feel that the issue of height controls is very much a matter of 'convenience' versus 'survival'. By this we mean that some procedural controls do exist which enable environmental needs to be addressed, while an overly restrictive height limit will lock out low-cost housing absolutely.

"Environmental groups have made use of the Discretionary Review process and the Environmental Impact Process on a project by project basis. This Commission has been very cognizant of environmental concerns in these review procedures. Obviously, more rigid, area-wide height controls would obviate the need for environmental groups to raise objections on a project by project basis, and hence make it much more convenient for them.

"On the other hand, a height limit of 40 feet would absolutely prevent future development of low and moderate income housing, given current land costs. Because there is no variance procedure for height, housing needs will have no recourse even on a project by project basis. For us, it is very much a matter of survival rather than convenience.

"Accordingly, we recommend that the Nob Hill Application be rejected and that the City Planning Department undertake a study to determine what the height limits should be, taking into account the concerns of all those affected. We further recommend that the area to be studied exclude the areas east of Taylor and north of Clay."

C.Y. Yee, 688 Commercial Street, addressed the Commission in Chinese. His remarks were translated into English by Moira So of the staff of the Department of City Planning. Mr. Yee stated that this was the first time that he had spoken at a public hearing in this country. He indicated that he was opposed to the proposed lowering of the height limits on Nob Hill; and he asked the Commission to assure that justice would be protected.

Henry Look, owner of property at 1162 Pacific Avenue, observed that old age is inevitable; and he remarked that the community has an obligation to take care of old people. He felt that a 40 foot height limit for the Nob Hill area would be impractical economically since buildings consisting of 3 stories over a garage with ceilings higher than 8 feet cannot be constructed within a 40 foot envelope. He urged that the application be disapproved.

James T. Johnson, Attorney for Andre Bosc, owner of property at 1340 Clay Street, indicated that his client's property is one of the last remaining open spaces on Nob Hill; and he remarked that some of the individuals who had spoken in support of the application had also been involved in an effort to prevent development of that property. He felt that enactment of the proposed height limits would have the effect of "confiscating" properties which have not been developed beyond a height of 40 feet. If additional housing is to be constructed in San Francisco, that housing will inevitably have to be in the form of high-rise development; and, as a result, he felt that it would be unwise and unsound on the part of the Commission to enact a blanket 40 foot height limit. He noted that the proposal of the Nob Hill Neighbors was not the result of careful planning done by professionals; and if one were to examine the existing character of the neighborhood, one would find that the neighborhood is ideally suited for buildings with a height of more than 4 stories. He advised the Commission that his client's property had been zoned R-5 with a 320 foot height limit in 1972. Later the property was "down-zoned" from R-5 to R-4; and, as a result, his client had had to redesign the building which he was intending to construct on the property. While the plans were being redrawn, interim residential zoning controls were enacted; and those controls placed an R-2 density on the property. Subsequently, the City Planning Commission and the Recreation and Park Commission had recommended that his client's property be acquired by the City for open space.

Under the R-2 density standards, his client's property has a "negative value"; and he felt that imposition of a 40 foot height limit on the property at a time when the City is trying to acquire the site would amount to "inverse condemnation".

Granville E. Libby, 1219 Clay Street, stated that he was opposed to the proposed lowering of height limits on Nob Hill; and he did not feel that the Commission should act on the proposal until an environmental impact report and an economic evaluation of the proposal have been prepared. He remarked that some of the applicants are tenants and not property owners; and he felt that zoning should be the concern of property owners. If the proposed reduction of height limits were to be enacted, the value of the properties affected would be reduced; and he felt that taxes should be reduced proportionately. Alternatively, he felt that higher height limits would provide the City with more tax revenue.

Jimmy Yee, 1543 Larkin Street, stated that he favored retention of existing height limits on Nob Hill and indicated that he was opposed to the "downzoning" proposed by the Nob Hill Neighbors.

Tommy Chin, 1666 Clay Street, read and submitted the following statement:

"I am a resident and property owner within 300 feet of Nob Hill Zone. I am concerned with the proposed height limit changes. The Nob Hill Neighbors do not represent the majority. The original map before the two revisions has a total of 50 blocks involved with the boundary, yet only 3 blocks are to remain unchanged. How can 6% set the limits for the other 94%?

"I feel that their proposal is extreme and unwarranted, and I am expressing my strong opposition to that proposal. Furthermore, I feel that if there are any new zoning controls, they should allow for the orderly and well-planned development of desperately needed low-cost housing in the Chinatown area. I also feel that presently there are enough controls and oppositions by people, and studies and hearings by City agencies that will take care of our City's development and silhouette."

William B. McCormick, 56 Pleasant Street and a member of the Nob Hill Association, indicated that he is an architect; and he stated that he was very much opposed to the proposal to lower the height limits on Nob Hill. He felt that approval of the lower height limits would constitute the taking of property rights without giving compensation in return.

H. Kent Hansen, Administrator of St. Francis Memorial Hospital, stated that the height limits proposed by the Nob Hill Neighbors would conflict with the long-range Master Plan for his hospital which had already been approved by the City Planning Commission; and the proposed height limits would preclude the development of medical office facilities on property owned by the hospital. He urged that the subject application be disapproved.

Robert H. Peterson, attorney for the owner of property on Sacramento Street across from Grace Cathedral, expressed opposition to the "down-zoning". He advised the Commission that his client's property has been subject to a 320 foot height limit; and he felt that it would be unfair to reduce the height limit to 40 feet.

Jim Flack, 1360 Clay Street and a member of the Nob Hill Neighbors, stated that the purpose of the proposed height limits was to protect the neighborhood against radical changes. He indicated that he was not sure that the lower height limits would achieve that purpose; but he pointed out that the individuals who had filed the subject application are not professional planners. He noted that other neighborhoods of the city had achieved protection through lower density zoning; and he felt that the same type of protection should be afforded to Nob Hill on an interim basis until the Residential Zoning Study is finalized.

Richard Stein, 1298 Howard Street, objected to the fact that the Nob Hill Neighbors had filed an application to lower the height limit on other peoples property to 40 feet; and he felt that the application should be rejected by the Commission. He indicated that he was not in favor of unrestricted development on Nob Hill; however, he felt that existing height limits in the area provide adequate protection.

Joe Yee, 1572 Washington Street and President of the Chinese Six Companies, advised the Commission that the Board of Directors of his organization had voted unanimously to object to the proposed lowering of height limits on Nob Hill. He noted that zoning densities in the neighborhood had been reduced two years ago; and he felt that further restrictions on development would not be in the best interest of people who own property on Nob Hill.

Pam Lee read and submitted the following statement which had been prepared by Del Martin, Chairperson of the Commission on the Status of Women:

"The Commission on the Status of Women voted unanimously at our February 8 meeting to support the Chinese community in their opposition to the downzoning request of the Nob Hill Neighbors.

"The Commission, through its Housing Committee, has long been concerned with the housing rights of San Francisco residents, both men and women and children. Our priorities are three-fold: increase of emergency housing facilities for women, increase of low and moderate income housing and increase of family housing in San Francisco.

"Through a survey conducted by the Commission on the Status of Women, special needs of women as expressed by neighborhood housing groups have included: lower income women who are unable to meet the costs of home ownership; lower income women who are unable to meet the costs of bringing their homes to housing code standards; provision of adequate housing for elderly unattached women and batter wives; and discrimination against women living alone, female-headed households and women with children. These concerns and needs are certainly applicable to the residents of Chinatown and Nob Hill community.

"It is our concern that the downzoning proposal before you tonight may be detrimental to the housing needs of these women as well as the needs of innumerable low and moderate income individuals and families already residing on Nob Hill. It may also rule out the possibility of future low and moderate income housing developments in the Nob Hill area since the cost factor of a new building within a forty foot height limit would be unrealistically expensive.

"The Commission on the Status of Women recognizes and supports the need for low and moderate income housing in the Nob Hill area; the downzoning request appears to prohibit the continuance and development of such housing in the community.

"We were informed that Chinatown organizations and individuals were never consulted on the downzone request even though the request covers portions of their community. We were also informed that the Chinese residents of Nob Hill neighborhood has little or no input into the formation of the downzone request. If this was so, it would appear that a large group of people have been systematically excluded from a decision making process that would have a drastic economic impact on their community.

"Lastly, the Commission feels that the current height limits and procedural controls as well as the city policy of neighborhood preservation constitute adequate insurance against highrise developments.

"With these points in consideration, the Commission on the Status of Women stands with the Chinese community in their opposition to the downzone request of the Nob Hill Neighbors and we urge you to do so likewise."

Ray Urban, 1637 Sacramento Street and a member of the Nob Hill Neighbors, stated that his Chinese landlord had recently raised his rent by 80%; and the Irish owner of an adjacent property had done likewise. As a tenant, he pays 100% of his landlord's taxes; and, as a result, he felt that he does have a vested interest in the character of the neighborhood. While he did not wish to jeopardize housing or other types of projects supported by the Chinese community, he preferred that the Nob Hill area continue to be characterized by buildings of varying sizes. He remarked that high-rise buildings usually offer only studio apartments; and he felt that larger apartments are more desirable.

Rai Y. Okamoto, Director of Planning, stated that the City-wide Residential Zoning Study will be completed in approximately six months; and the recommendations resulting from that study will deal with issues of density as well as issues of height. He then asked Mr. Passmore to summarize a draft resolution which had been prepared for consideration by the Commission. The draft resolution read, in part, as follows:

"WHEREAS, The area subject to this application, all or portions of 49 blocks, is more than 30 acres in size, excluding the area of public streets and alleys; and

"WHEREAS, The Proposed Residential Zoning Maps initiated May 20, 1976, by the Planning Commission would reclassify the present use districts in this area to various proposed use districts, some of which would set standards affecting the height of new construction allowed; and

"WHEREAS, The staff of the Department of City Planning is continuing its city-wide studies of residential zoning districts and standards and has been asked by the Board of Supervisors to include in these studies a consideration of possible reclassification of height and bulk districts in residential areas where the present controls would allow buildings of more than 40 feet; and

"WHEREAS, The staff of the Department of City Planning would be able during the coming months to prepare studies on the relationship between the proposed new use districts and height and bulk controls that would be appropriate and in harmony with the proposed use districts; and

"WHEREAS, A determination by the Commission that the area under consideration for reclassification under this application is a major sub-area of the city would continue the controls of the proposed districts in effect as temporary controls for a second year under Section 302(e) of the City Planning Code, until December 18, 1977, unless the application is finally acted upon before that time;

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby determine that the area proposed for reclassification in Application No. ZM76.2 is a Major Sub-Area of the City as specified in Section 302(e) and Section 306.3(b) 2 of the City Planning Code; and

"BE IT FURTHER RESOLVED, That the City Planning Commission does hereby declare its intention to hold a second public hearing within the next six months on a proposed reclassification of property in the Nob Hill area bounded by Powell, Larkin and Bush Streets and Pacific Avenue as specified by the Nob Hill Neighbors, in order to consider height and bulk controls consistent with the zoning use districts and standards proposed in the Residential Zoning Study, said height and bulk controls to include those proposed in Application No. ZM76.2, and also all controls intermediate between the present controls and those proposed in Application No. ZM76.2, as well as the present controls themselves; and

"BE IT FURTHER RESOLVED, That the public hearing on said matter shall be held concurrently with a further hearing on Application No. ZM76.2, and the Zoning Administrator is hereby directed to set a time and place for such hearing, which shall be not later than six months after the date of this resolution."

Mr. Passmore remarked that the Board of Supervisors had specifically requested the Department of City Planning to consider the desirability of height limits in excess of 40 feet in residential districts during the course of the Residential Zoning Study; and he noted that Nob Hill is one of the few residential districts which has height limits in excess of 40 feet.

The Director suggested that the Commission might also wish to accept withdrawal of the portion of the subject application which would affect the site of the proposed Chinatown Public Library facility, being Lot 4 in Assessor's Block 191.

Commissioner Elliott asked if adoption of the draft resolution would preclude construction of the medical office building for St. Francis Memorial Hospital during the next six months. The Director replied in the affirmative but observed that it was extremely unlikely that the hospital would be prepared to proceed with construction of that facility within the next six months.

Commissioner Bierman stated that she had attended a meeting called by the Nob Hill Neighbors in this same meeting room when the proposal for lowering height limits on Nob Hill was first being discussed; and she indicated that no one had been opposed to the concept at that time. She noted that many of the individuals who had spoken in opposition to the proposal during the course of the present hearing had indicated that they were not in favor of unlimited high-rise construction; and, as a result, she was confident that a compromise could be effected if the parties involved could communicate with each other during the next six months. She believed that there are many people in the subject neighborhood who are anxious to have zoning controls which will preserve the character of the neighborhood. However, she did not feel that the height limits proposed by the Nob Hill Neighbors were the answer to the problem; and, in any case, it was evident that the proposed height limits do not have the support of the majority of the property owners and residents in the area. She encouraged all parties involved to work towards a compromise proposal during the next six months.

Commissioner Finn noted that the properties covered by the subject application are also covered by the interim residential zoning controls which were enacted by the Commission on May 20, 1976. He felt that those interim controls would provide adequate protection for the subject neighborhood until the Residential Zoning Study is finalized; and he indicated that he would be opposed to the action recommended by the staff which would continue the height limits proposed by the Nob Hill Neighbors in effect for the next six months.

Mr. Passmore explained that the interim controls established by the Commission on May 20, 1976, placed the north and westerly portions of the Nob Hill neighborhood under a 40 foot height limit. Properties on the crown of the hill and in the southeast portion of the neighborhood are subject to less restrictive height limits; however, any buildings proposed for that area with a height in excess of 40 feet would be subject to discretionary review by the Commission. Any action taken on such applications by the Commission would be subject to appeal to the Board of Permit Appeals.

Commissioner Finn moved that the subject application be disapproved, indicating that he felt that the interim residential zoning controls adopted by the Commission on May 20, 1976, would provide sufficient protection for the neighborhood until the Residential Zoning Study is finalized. The motion was seconded by Commissioner Dearman.

President Lau stated that his preference would be to keep the Nob Hill Neighbors' application alive in order to see if the various parties involved could reach a compromise. However, if the motion which had been made by Commissioner Finn were put to a vote, he felt that he would have to vote for disapproval of the application because of the large number of people who had stated that they had not been consulted and that they were opposed to the height limits which had been proposed.

Commissioner Finn asked if disapproval of the subject application would preclude the Nob Hill Neighbors from filing a new application in the future. Mr. Passmore replied that a similar application could not be filed for one year following disapproval of the subject application. However, an application proposing different height limits or for a different area could be filed at any time.

Commissioner Rosenblatt suggested that the Commission, if it were to disapprove the subject application, should also adopt a resolution indicating its intent to conduct discretionary reviews of any building permit application which might currently be pending for the subject neighborhood. Mr. Passmore stated that the building proposed for property at the southeast corner of California and Powell Streets would automatically come before the Commission for discretionary review because that building permit application was filed after May 20, 1976. No application had yet been filed for the property at Sprowle Lane and Sacramento Street; and, as a result, any building permit application filed for that property would also be brought before the Commission for discretionary review automatically. A project proposed for property at California and Helen Streets would not have to come before the Commission for discretionary review since that building permit application was filed prior to May 20, 1976; however, the Commission had already received a request for discretionary review of that project from surrounding property owners.

Commissioner Bierman remarked that the Nob Hill Neighbors have worked hard to improve the environment of their neighborhood; and, while she recognized that that organization should have worked more closely with groups from the Chinese community, she was not prepared to vote for disapproval of the application at this point in time.

Commissioner Finn stated that he did not feel that disapproval of the application would preclude the interested parties from meeting together with the objective of arriving at a compromise proposal; and he indicated that he, personally, would encourage them to do so.

Commissioner Starbuck remarked that the subject application had been pending for almost one year; and he felt that the application should be kept alive until the Residential Zoning Study has been finalized. Therefore, he intended to vote against the motion for disapproval of the application.

When the question was called, the Commission voted 5 to 2 to adopt Resolution No. 7659 and to disapprove the subject application. Commissioners Dearman, Elliott, Finn, Lau, and Rosenblatt voted "Aye"; Commissioners Bierman and Starbuck voted "No".

The Meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



AUG 31 1977

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 10, 1977.

The City Planning Commission met pursuant to notice on Thursday, February 10, 1977, at 1:45 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Luciah Blazej, Planner IV; Richard Gamble, Planner IV; Charles Gill, City Planning Coordinator; Robert Meyers, City Planning Coordinator; Joseph Fitzpatrick, Planner III; Marie Zeller, Planner III; Kit Hermann, Planner II; William Oman, Planner II; David Lynch, Architectural Design Draftsman; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of October 28, 1976, be approved with corrections.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission that next weeks meeting will begin at 1:00 p.m.

The Director announced that the Board of Supervisors, meeting on Monday, had given final approval to ordinances relating to sign control on Lower and Upper Market Street and had adopted a resolution calling the attention of the Port Commission to the adverse effects of billboards on Port Property between Fisherman's Wharf and the Bay Bridge. The Board also overrode Mayor Moscone's veto of legislation enacting a Rehabilitation Assistance Program for the Upper Ashbury area.

The Director informed the Commission that he had attended the first meeting of the Mayor's new committee for coordination of transportation matters.

Robert Passmore, Planner V (Zoning), reported on work reviewed and completed by the Implementation Division of the Department during January.

The Director reported that Pets Unlimited had filed a suit in Superior Court to stop enforcement of the Commission's termination of conditional use authorization for a dog shelter on the second floor of their facility at 2343 Fillmore Street. In the suit Pets Unlimited argues that they have been substantially injured by the action of the Commission and that the Commission changed the meaning of the original conditional use resolution. They claim that any barking heard only by the immediate neighbors does not constitute a public nuisance and that the Commission had acted beyond its jurisdiction in terminating the shelter. The matter is scheduled for hearing in court on March 10; and the City Attorney will represent the Commission at that hearing.

The Director continued his report as follows:

"Pacific Gas and Electric Company has filed a Notice of Intent with the State Energy Resources Conservation and Development Commission which states its intention to pursue the development of a fossil fuel power plant at one of four locations in the Bay Area by 1980. The existing Potrero site below Potrero Hill, just east of Third Street, in San Francisco has been identified as one of the four sites. Staff of the Office of Environmental Review has been coordinating review by concerned City and County agencies for presentation of such concerns to the Energy Commission at Public hearings throughout the months of January and February.

"The hearings are formal adjudicatory hearings at which the City officially is represented by an attorney from the City Attorney's office. The proceedings are nearing completion and staff is preparing final comments to be delivered to the Energy Commission on Friday, February 18th.

"The Warren-Alquist Act which created the Energy Commission gives it complete authority for determining the suitability of sites and conditions for their development. This authority preempts all local controls, even the requirement for a usual building permit."

"Because of the significance of such a proposal, staff felt that the Planning Commission would want to exercise its discretionary power over a building permit

application, were one to come under this Commission's jurisdiction. Because this power is not available to us, we plan to present staff findings and recommendations to the Planning Commission next week for its review and endorsement of a final statement of concerns to the State Energy Commission.

"This will be a calendared item on next week's calendar which I wanted to bring to your attention at this time. Staff coordinator on this project has been Ralph Gigliello. Mr. Gigliello has information regarding the project as well as comments from other agencies and will be making a presentation next week."

The Director announced that the date of the Mayor's public hearing on the Department of City Planning's budget proposal for the next fiscal year had been changed to Thursday, March 3, 1977, at 7:00 p.m. at the Edison School, 3531 22nd Street.

At this point in the proceedings, President Lau arrived in the meeting room and assumed the chair.

The Director reported that the Department of Public Works is reviewing applications for establishment of preferential parking plans in various neighborhoods of the City and will be holding public hearings on the various applications.

Marie Zeller, Planner III, informed the Commission that she will be working with the Mayor's office to prepare policy statements concerning the environment of the city.

Mr. Passmore reported that the Board of Permit Appeals, at its meeting last week, had denied a permit for construction of a structure at 5175 Diamond Heights Boulevard. The permit had been approved by the Department of City Planning, perhaps erroneously insofar as the project may not conform to the rear yard standards of the City Planning Code. The project was not reviewed or approved by the Commission as reported in the San Francisco Progress.

The Director requested that meeting of the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman) be scheduled next Thursday, February 17, at 11:00 a.m.

At this point in the proceedings Commissioner Finn arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Starbuck reported that he, the Director, and a representative of the Mayor's office had met with officials of the Presidio to discuss procedures for local review of building projects

undertaken on that military post. A subsequent meeting will be scheduled.

CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459545 FOR AN 8-UNIT APARTMENT BUILDING AT 401 UNION STREET. (EE76.218)

Robert Passmore, Planner V (Zoning), stated that the Telegraph Hill Dwellers had requested the Commission to conduct a discretionary review of the subject building permit application. Although he had expected that a follow-up letter would be received from the Telegraph Hill Dwellers, that letter had not yet arrived. He indicated that the applicant's proposal was to replace a non-conforming use grocery store and three residential units with a new 8-unit residential building; and the Telegraph Hill Dwellers, in requesting the discretionary review, had seemed to be primarily concerned about the loss of the grocery store. He indicated that the staff of the Department of City Planning did not feel that the factors involved would warrant exercise of the Commission's discretionary review authority; and, therefore, he recommended that the request for discretionary review be denied.

Commissioner Starbuck stated that he had received a telephone call from the president of the Telegraph Hill Dwellers earlier in the afternoon and had been advised that they would not be able to have a representative present at the Commission's meeting.

President Lau, noting that no one was present to represent the applicant, asked if the applicant had been notified that this matter would be calendared. Mr. Passmore replied that he had informed the applicant's architect that the matter would be considered.

Commissioner Bierman stated that she would be reluctant to take action on this matter with neither the applicant or the Telegraph Hill Dwellers being represented.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the Commission's meeting on February 17, 1977. The Commission also requested the staff to notify both the Telegraph Hill Dwellers and the applicant that the matter will be calendared for next week's meeting.

PRESENTATION OF PLANNING ALTERNATIVES FOR SAN FRANCISCO PORTION OF GOLDEN GATE NATIONAL RECREATION AREA

Douglas Nadeau and Ron Treabess of the Golden Gate National Recreation area reviewed some of the alternate proposals for the nine planning units of the recreation area which are located in San Fran-

cisco and responded to questions raised by members of the Commission and members of the public. During the course of the discussion it became apparent that the Golden Gate National Recreation Area had made a significant effort to involve the community in preparation of planning alternatives at the grass roots level but that it had failed to maintain close contact with agencies such as the Port Commission, the Maritime Museum, and the Landmarks Preservation Advisory Board; and members of the Commission encouraged representatives of the National Recreation area to meet with such agencies to review their proposals. The representatives of the National Recreation Area were also invited to attend the next meeting of the Planning Advisory Committee for the Northeastern Waterfront which will be held on Friday, March 11, at 9:00 a.m. in the Library Commission meeting room at the main branch of the Public Library.

At 3:30 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 3:40 p.m. and proceeded to consider the agenda. Commissioner Rosenblatt was temporarily absent from the meeting room.

LM76.8 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE PALACE OF FINE ARTS, 3001 LYON STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), reviewed the history and architectural characteristics of the Palace of Fine Arts upon which the Landmarks Preservation Advisory Board had based its recommendation that the structure be designated as a Landmark; and he recommended that the Commission approve the proposed designation.

President Lau asked if anyone were present in the audience to speak in opposition to the proposal before the Commission and received a negative response.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7660 be adopted and that the proposal to designate the Palace of Fine Arts as a Landmark be approved.

LM76.11 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE FERRY BUILDING AS A LANDMARK.

Robert Passmore, Planner V (Zoning), reviewed the history and architectural characteristics of the Ferry Building upon which the Landmarks Preservation Advisory Board had based its recommendation that the building be designated as a Landmark. He then recommended that the proposal for designation of the building be approved.

President Lau asked if anyone were present in the audience to speak in opposition to the proposal before the Commission and received a negative response.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Elliott, and carried unanimously that Resolution No. 7661 be adopted and that the proposal to designate the Ferry Building as a Landmark be approved.

At this point in the proceedings Commissioner Rosenblatt returned to the meeting room and reassumed his seat at the Commission table.

LM76.9 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE ORPHEUM THEATER, 1192 MARKET STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), reviewed the history and architectural characteristics of the Orpheum Theater upon which the Landmarks Preservation Advisory Board had based its recommendation that the building be designated as a Landmark. He then recommended that the proposal for designation of the building be approved.

President Lau asked if anyone were present in the audience to speak in opposition to the proposal before the Commission and received a negative response.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7662 be adopted and that the proposal to designate the Orpheum Theater as a Landmark be approved.

LM76.10 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE CASTRO THEATER, 429 CASTRO STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), reviewed the history and architectural characteristics of the Castro Theater upon which the Landmarks Preservation Advisory Board had based its recommendation that the building be designated as a Landmark. He then recommended that the proposal for designation of the building as a Landmark be approved.

Samuel L. Holmes, Attorney for the Central California Theater Company, owner of the subject property, stated that his clients were strongly opposed to the proposal to designate the building as a Landmark. He remarked that the building was not constructed until 1923 and was used exclusively as a motion picture theater; and he did not feel that the building was qualified for landmark status. He advised the Commission that the theater had operated in the red

for many years; and, although new operators of the theater seemed to be doing adequate business at the present time, it might be necessary to sell the building or to demolish it for construction of other types of facilities in the future if the theater again becomes unprofitable. If the building were designated as a Landmark, the owners of the property would not be able to demolish it; and they would be deprived of the use of their land. He objected to the fact a "bunch of healthy dilettantes" on the Landmarks Preservation Advisory Board were going around town choosing theaters to be designated as landmarks; and, although the owners of the Orpheum Theater apparently did not object to the proposal to designate that building as a Landmark, his clients felt that designation of their building would degrade the value of their property. He indicated that the trend in motion pictures theaters is towards smaller auditoriums; and he felt that it might be necessary to divide the Castro Theater into smaller screening areas at some point in the future. He believed that designation of the building as a Landmark would also prevent such alteration of the building.

Commissioner Starbuck pointed out that designation of the building as a Landmark would place restrictions only on exterior changes and would not affect the interior alterations.

Mr. Holmes replied that subdivision of the theater into three auditoriums would require the installation of two additional marquees on the facade of the theater. He stated that his clients could not afford to pay taxes on the property and to maintain the building as if it were a public monument merely for the purpose of preserving the facade of the building.

The Secretary stated that he had received a call from Dan Tatum of the Castro Village Association indicating the support of his organization for designation of the building as a Landmark.

Randolph Delahanty, representing the Foundation for San Francisco's Architectural Heritage, spoke in support of the proposal to designate the building as a Landmark. While his organization had no desire to interfere with the economic affairs of the owners of the property, he, personally, felt that the theater is probably making money at the present time. He remarked that the Castro Theater is the last of the great 1920's movie palaces in San Francisco which has not been drastically changed; and he felt that the building merits designation as a Landmark for that reason and because it represents a piece of California history. While he recognized that it is difficult to decide whether a building built in the 1920's should be regarded as a Landmark, he felt that the Castro Theater is one building from that era which should have landmark status.

Commissioner Finn, noting that landmarks designation would pro-

tect only the facade of the building, asked Mr. Delahanty what he felt was important about the facade of the building. Mr. Delahanty acknowledged that the Fox Theater had a more impressive facade; but that theater is gone and only the Castro Theater remains. While he recognized that landmark designation would protect only the facade of the building, he felt that the inside of the theater is more important.

Earl Moss, representing the Victorian Alliance, felt that preservation of the Castro Theater would contribute to the renaissance which is taking place in the surrounding neighborhood. He advised the Commission that property values in the area have increased "fantastically".

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, remarked that there is currently a great deal of interest in the architecture of the 1920's and 1930's; and she regarded the Castro Theater as an outstanding example of the architecture of that era. She indicated that she had discussed some of the points raised by Mr. Holmes with another representative of his law firm; but there had apparently not been communication between those two individuals. She felt that any problems related to a change of the marquee in the future could be resolved if the issue should arise; and she indicated that both the Landmarks Preservation Advisory Board and the City Planning Commission would help the owner of the property to find an alternate use for the building if the present use should prove not to be viable in the future. In conclusion, she stated that experience had shown that landmarks designation tends to increase property values rather than to decrease them.

Commissioner Elliott asked if designation of the building as a landmark would in any way affect the owners' ability to sell the property or demolish the building. Mrs. Platt replied that landmark designation would not affect the owners ability to sell the property. However, if a demolition permit were filed, that permit could be held for six months by the City Planning Commission and for an additional six months by the Board of Supervisors. It did not seem to her that the one year holding period would unduly inconvenience the owners of the property since it would take almost that long to obtain permits for construction of any new building on the site.

Commissioner Rosenblatt asked if the building would qualify for inclusion on the National Register if it were to be designated as a landmark. Mrs. Platt replied that her board had already determined that the building would qualify for the National Register.

Mr. Holmes remarked that the owners of the property would "take a licking" if they attempted to sell the building and if the pro-

spective purchaser would have the burden of maintaining the building as it is merely for the purpose of preserving the facade. He felt that it would be foolish to require an empty building to stand as a "hysterical landmark" merely so that Mr. Delahanty could enjoy a view of the facade from a nearby hill. He believed that the Landmarks Preservation Advisory Board, in recommending that the building be designated as a Landmark, had not considered standards of good twentieth century architecture; and he felt that members of the board were not knowledgeable about the tax problems which designation of the building as a Landmark would cause. He urged the Commission to disapprove the proposal to designate the building as a Landmark.

Burt Schwarzschild, a resident of the neighborhood, stated that he regarded the Castro Theater as an integral part of the neighborhood. He noted that a residential building within three blocks of the subject site had previously been designated as a Landmark; and that building has a waiting list of prospective tenants. He felt that people enjoy being in a pleasant environment; and he remarked that designation of buildings, whether they be residences or movie theaters, helps to preserve some of the traditions of the past.

After further discussion it was moved by Commissioner Starbuck and seconded by Commissioner Bierman that the proposal to designate the Castro Theater as a Landmark be approved.

Commissioner Finn stated that he intended to vote against the motion. He indicated that he had seen his first movie in the Castro Theater; and he believed that he had a right to be more nostalgic about the theater than anyone else in the meeting room. However, he did not feel that the architectural treatment of the exterior of the building is noteworthy; and, since designation of the building as a Landmark would only serve to preserve the facade, he could not support the proposal.

When the question was called, the Commission voted 6 to 1 to adopt Resolution No. 7663 and to approve the proposal to designate the Castro Theater as a Landmark. Commissioners Bierman, Dearman, Elliott, Lau, Rosenblatt, and Starbuck voted "aye"; Commissioner Finn voted "no".

LM76.12 - CONSIDERATION OF A PROPOSAL TO DESIGNATE FIRE HOUSE ENGINE CO. NO. 21 AND TRUCK CO. NO. 6, 1152 OAK STREET, AS A LANDMARK.

LM76.13 - CONSIDERATION OF A PROPOSAL TO DESIGNATE FIRE HOUSE ENGINE CO. NO. 23, 3022 WASHINGTON STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), commented on the history

and architectural characteristics of the two buildings upon which the Landmarks Preservation Advisory Board had recommended that they be designated as landmarks. He then recommended that the Commission approve the proposal to designate the buildings as Landmarks.

A representative of the Fire Department was present and indicated that the Fire Commission had no objection to having the building at 1152 Oak Street, which is owned by the Fire Department, designated as a Landmark.

No one was present in the audience to speak in opposition to the proposal to designate the two buildings as landmarks.

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7664 be adopted and that the proposal to designate the Fire House at 1152 Oak Street as a Landmark be approved.

Subsequently, it was moved by Commissioner Elliott, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7665 be adopted and that the proposal to designate the Fire House building at 3022 Washington Street as a Landmark be approved.

LM76.14 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE POTRERO HILL NEIGHBORHOOD HOUSE, 953 DE HARO STREET AS A LANDMARK.

Robert Passmore, Planner V (Zoning), summarized the history and architectural characteristics of the building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as a landmark.

The Secretary read the following letter which had been received from Lynn Susoeff, 842 Carolina Street:

"The Potrero Hill Neighborhood House has been in violation of building codes and the building through use and abuse is in a state of disrepair. For several years, the Board of Directors and the staff of the Neighborhood House have sought public funds to renovate and bring up to code this churchowned tax exempt building. Objections to the use of public monies for this purpose have been raised with the Board of Supervisors.

"In December 1976, the Landmarks Preservation Advisory Board of the Department of City Planning recommended landmark status for the building. The rationale for this recommendation seems rather nebulous. Its historical value is questionable since a number of com-

munity settlement houses still in existence in San Francisco served the same purpose and are not landmarks. The architectural significance of the building is not exceptional. Granted it is a comfortable old building and was designed by Julia Morgan, however it is not one of her more renowned works.

"It would seem the overriding factor for the recommendation is political which is extremely difficult to define. Suffice it to say that politics are involved.

"These questions have been raised because of an article in the February issue of the Potrero View in which Seth Curlin (who has had a contract with the city for architectural services for this building) states: '...the remodeling project which has been delayed for three years should now be able to proceed....'.

"I urge the Planning Commission to review this matter carefully before accepting the recommendation of the Advisory Board. If upon careful review, the Commission accepts the recommendation of the Board, it should be with the stipulation that public monies not be used to renovate a church-owned building and that the responsibility for renovation is with the Presbytry or private sources of funding."

The Secretary indicated that a similar letter, signed by Eleanor McClanahan and Gloria F. Gillette, had also been received.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that a number of neighborhood organizations had written to her Board in support of the proposal to designate the building as a Landmark; and she indicated that designation of the building would have no effect on use or non-use of public monies for restoration of the building.

President Lau noted that there were approximately twelve individuals in the audience in support of the proposal to designate the building as a Landmark.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman and carried unanimously that Resolution No. 7666 be adopted and that the proposal to designate the Potrero Hill Neighborhood House as a Landmark be approved.

ZT76.6 - PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLES 2 AND 6 OF THE CITY PLANNING CODE TO PROHIBIT GENERAL ADVERTISING SIGNS (OFF-SITE SIGNS AND BILLBOARDS) THROUGHOUT THE CITY AND COUNTY OF SAN FRANCISCO, TO REQUIRE REMOVAL OF ALL EXISTING GENERAL ADVERTISING SIGNS AFTER AN AMORTIZATION PERIOD, AND TO MAKE RELATED MODIFICATIONS. INITIATED BY BOARD OF SUPERVISORS.
(CONTINUED FROM MEETING OF JANUARY 13, 1977.)

With apologies to proponents and opponents of the proposed legislation, Commissioner Starbuck moved that this matter be continued for 90 days. He remarked that the ordinance under consideration could be more sweeping in its impact than any similar ordinance adopted by a major city in California; and he was anxious that the ordinance should be in the best possible legal form before it is returned to the Board of Supervisors with a recommendation of approval or disapproval. Therefore, he proposed that the matter be continued for 90 days so that the staff would have an opportunity to conduct a final and thorough review of the draft ordinance.

The motion was seconded by Commissioner Rosenblatt.

When the question was called, the Commission voted unanimously to continue this matter until the meeting of May 12, 1977.

At 4:25 p.m. President Lau called a recess. The Commission then proceeded to the Chambers of the Board of Supervisors and reconvened at 4:40 p.m. for hearing of the remainder of the agenda.

ZT77.1 - PUBLIC HEARING ON A PROPOSED ORDINANCE TO AMEND SECTION 221 OF THE CITY PLANNING CODE, AND OTHER SECTIONS AS NECESSARY, TO RESTRICT THE LOCATION OF ADULT BOOKSTORES AND ADULT THEATERS, WITH RESTRICTIONS INCLUDING BUT NOT NECESSARILY LIMITED TO A REQUIREMENT THAT ALL SUCH ENTERPRISES BE ON PREMISES NOT LESS THAN 1,000 FEET FROM ANY RESIDENTIAL ZONING DISTRICT, AND A REQUIREMENT THAT EACH SUCH ENTERPRISE BE LOCATED NOT LESS THAN 500 FEET FROM ANY OTHER SUCH ENTERPRISE. INITIATED BY BOARD OF SUPERVISORS.

Peter Svirskey, Planner V (Zoning), reported on this matter as follows:

"This proposed ordinance was introduced at the Board of Supervisors and referred to the Commission for its review and recommendation pursuant to the Charter and City Planning Code.

"The ordinance would place certain restrictions upon adult bookstores; and upon adult theaters, including those showing films and those having live entertainment.

"Both the City Planning Code and the Police Code would be amended by this one ordinance. Although the draft consists of 14 pages, only the material on pages 1, 2, 2a and the top of page 3 is before the City Planning Commission for its consideration; the remainder of the draft would amend the Police Code and does not require a Commission recommendation.

"At the Board of Supervisors, the Planning, Housing, and Development Committee held one hearing on January 18 and continued the matter pending a report from this Commission. If the Commission were to act on the proposal the Board Committee would be expected to take the matter up again on March 15.

"In legislation relating to adult entertainment there is a range of possible controls. With this present ordinance, however, as with those under consideration or adopted in a number of other cities, the model being used is the Detroit ordinance that was recently upheld by the United States Supreme Court. The ordinance before you was drafted by the City Attorney at the request of the Board with the issue of constitutionality carefully considered. The staff of the Department of City Planning was asked for and provided assistance in fitting the proposed provisions into the City Planning Code.

"In the referral by the Board, the Commission is being asked to consider only the language in this draft, and to recommend for or against that language. The advertisement and calendar for this hearing do permit additional proposals to be considered, although a recommendation to the Board on further proposals is not required.

"The controls that would be placed in the City Planning Code by this ordinance are contained in a new subsection 221 (k) on pages 2, 2a and 3 of the draft. Under these provisions, an adult bookstore or adult theater would have to be located not less than 1,000 feet from any Residential zoning district, and not less than 500 feet from any other adult entertainment enterprise.

"With such a 1,000-foot distance requirement in effect,

adult entertainment would be confined to an area in the eastern part of the city, bounded by a line starting in the vicinity of the Ferry Building, running irregularly just north of Market to the Civic Center, then south-east to about Seventeenth Street, skirting north, east and south of Potrero Hill and stopping in the vicinity of Third Street and Evans Avenue.

"Only these distance requirements would be in the City Planning Code as a zoning matter. The remainder of the controls would appear in the Police Code; that is, the definitions of the regulated establishments, the permit requirements, the restrictions on exterior appearance and the termination requirements for noncomplying establishments.

"In the definitions, certain sexual activities and certain anatomical areas are specified. If more than five percent of the floor or display space of a bookstore, or more than ten percent of the presentation time of a theater, is devoted to material characterized by an emphasis on those sexual activities or anatomical areas, then the establishment is defined as an adult bookstore or adult theater.

"Both adult bookstores and adult theaters would have a specific Police Code permit, and such permits would not be issued where the establishments were not allowed by zoning.

"Any existing establishment not complying with the new requirements would have to be discontinued within one year, with a possible extension for an additional two years if the Chief of Police found there was financial hardship.

"The Police Code would also contain restrictions on appearance for permitted establishments, in terms of visibility of the interior from the street and the matter depicted on signs.

"This ordinance has been through the environmental review process, and a negative declaration has been adopted and issued under EE77.22.

Harvey Milk, 575 Castro Street, remarked that this matter had been discussed at a Board of Supervisors committee meeting; and, at that time, the main argument advanced for enactment of the ordinance was that there is a relationship between adult bookstores and theaters and crime. However, no statistics were introduced in support of that

argument. While San Francisco may, in fact, have too many adult bookstores and theaters, it may also have too many billboards and other types of uses which may be objectionable to some segments of the community. If the Supervisors were really concerned about crime, he felt that they should concentrate on organized crime on the waterfront. He advised the Commission that a photographic exhibition had been held at the Hilton Hotel last year; and he indicated that the center of attention at that exhibition was a three-dimensional photograph of two nude people having sex. Yet, under the terms of the proposed ordinance, something of that sort which would be legal in the Hilton Hotel would be illegal in a small store around the corner from that hotel. The proposed ordinance would define an adult theater as one which devotes more than ten percent of its presentation time to material characterized by an emphasis on certain sexual activities or anatomical areas; and, under the definition, many so-called neighborhood theaters would fall under the jurisdiction of the ordinance because of the nature of the films which they are showing. The proposed ordinance would exempt parts of the Tenderloin and parts of the downtown area from control; however, if adult bookstores and movie theaters cause crime, he questioned why parts of the Tenderloin district, which already has a high crime rate, should be exempted from the ordinance. He suggested that it might be better to require that adult bookstores and theaters be located in St. Francis Woods or in a comparable area so that they could be watched more closely. He also raised a question as to what constitutes "pornography". He remarked that the February 3rd edition of the San Francisco Chronicle had used the word "come" with a sexual connotation; and the sports section of that paper on February 8th had carried a picture of a man relieving himself. He felt that such items may be offensive to some people; and, if so, he wondered if the Supervisor who had introduced the proposed ordinance would introduce legislation to control what is printed in the newspapers, also. It is assumed that movies shown at adult theaters are pornographic in nature while the same type of pornography could be seen if one were to view the new production of "A Star is Born". Yet, under the proposed ordinance, one of the movies would be illegal and the other would not. He felt that the Commission should realize that the standards of adult entertainment have been changing over time; and he believed that the proposed ordinance reflects a morality which was more common 20 years ago than at the present time. The people who had drafted the proposed ordinance obviously have a desire to legislate morality; however, since the ordinance would inevitably be taken to court if it were enacted, he felt that the public hearing process was a waste of time and of public money. He did not believe that adult bookstores or theaters cause crime; and he suggested that the real crime was that the draft ordinance was being considered because someone believed that legislation dealing with sexual issues would do away with crime. He remarked that some hotels and motels advertise that they offer adult movies

in their rooms; and he wondered if they would be affected by the proposed ordinance. He urged the Commission to serve as an advocate for the people and to use whatever power it might have to strike down the proposed ordinance. Even if the ordinance were enacted, he questioned whether it could be monitored effectively.

Bert Schwarzchild, 366 Douglass Street, stated that he would be supportive of anything which would improve the health of residential areas of the city; but he did not feel that adult bookstores and theaters are a necessary ingredient for healthy residential areas. He advised the Commission that his neighborhood has an adult theater which is located within two or three blocks of three elementary schools; and he did not feel that it is healthy for children going to and from school to see people who seek sexual release in movie houses. He remarked that the Tenderloin district does not have many families with children; and, as a result, he felt that that area would be a more appropriate location for adult bookstores and theaters than neighborhood commercial districts.

Barbara Sabella, representing the San Francisco Motion Picture and TV Council, felt that the proliferation of adult theaters and bookstores must be controlled at some point; and she believed that the ordinance which had been introduced by Supervisor Feinstein represented a start in the right direction towards making San Francisco a beautiful city. She acknowledged that she does not like everything which she reads in the newspaper; but she felt that it would be logical to address the issue of adult bookstores and theaters first.

Elizabeth Sawle, representing the Mission Merchants Association, read the following letter which had been prepared by Roger W. Otto, President of that organization:

"The Mission Merchants Association hereby indicates its full support of Supervisor Feinstein's proposed amendments to the City Planning Code, etc. which would prevent places of adult entertainment from locating within 1000 feet of residentially zoned property and within 500 feet of other such establishments.

"We feel that this proposed legislation is well thought out because, while it does not violate the rights of those who wish to operate places of adult entertainment to do so, it does protect the rights of neighborhood residents and business people who do not wish to have such establishments in close proximity to their homes and stores."

"For the last few years, we have worked hard with the residents of the Mission to discourage pornographic businesses from locating in our shopping district. We feel that places of adult entertainment contribute nothing to our community, while down-grading it because they discourage the location of more desirable businesses which we badly need to meet the needs of the people who live here. Moreover, the inclusion of a number of porno businesses in a neighborhood tends to drive down the value of both residential and commercial property. The results of such a trend can only lead to the destruction of the character of the family-oriented environment we must all try very hard to preserve in San Francisco.

"We urge your recommendation to adopt these amendments, as they can be an invaluable tool for San Francisco neighborhoods to determine their own destiny."

Joseph Rhine, attorney for several adult theaters and bookstores, remarked that both Supervisor Feinstein and Supervisor Nelder had tried to link the adult bookstore and theater industries with organized crime when the proposed ordinance was being discussed by a committee of the Board of Supervisors; and he felt that that sort of prejudice represented a type of "McCarthyism". He recognized that the Commission's power to strike down the proposed ordinance was somewhat limited and that only a small portion of the ordinance would be included in the City Planning Code; but he regarded the entire ordinance as being unconstitutional. Even the less restrictive Detroit ordinance was upheld by the Supreme Court only by a narrow vote of five to four; and the five conservative justices who had voted to uphold that ordinance did not reflect the philosophy of people living in San Francisco. He indicated that his clients did not want to have the ordinance amended in any way because they were satisfied that it would be declared unconstitutional in its present form. If an ordinance such as the one which was being proposed should be enacted and enforced, it would be impossible to have a multicultural and multifaceted society. He emphasized that no one forces people to patronize adult bookstores and theaters. They do so of their own free choice. Adoption of the proposed ordinance would take away that freedom of choice. From the point of view of some people, adult bookstores and theaters are becoming too popular; and it was for that reason that the proposed ordinance had been proposed. He expected that members of the Commission had witnessed sex acts performed on the screen of a movie theater; and he felt that it was obvious that they had not then left the theater and raped anyone. If environmental issues were involved, the problem was not

what type of book or movie an adult sees within an adult bookstore or theater but what is displayed on the outside of the building. Furthermore, he advised the Commission that the clientele of adult bookstores and theaters cannot be stereotyped. He indicated that the District Attorney had stopped prosecution of adult theaters because San Francisco juries were not willing to return guilty verdicts; and he emphasized that jurors in San Francisco are selected from voter rolls. Since the District Attorney had stopped prosecuting adult theaters, the "lame duck" Board of Supervisors had decided to carry on the fight against those establishments through the proposed ordinance. He stated that his clients would have no objection to an ordinance which would regulate displays outside of adult bookstores and theaters; and, in returning the proposed ordinance to the Board of Supervisors, he hoped that the Commission would take the position that the only type of ordinance which it would support would be one which would control displays which could be seen from public right-of-way.

Henry Meyer, Business Manager of Motion Picture Operators Local No. 162, stated that the members of his union have combined salaries of more than \$1 million a year. He noted that no new theaters are being constructed; and he believed that the proposed ordinance would affect every theater in San Francisco because of the nature of the films which are being shown. The city already has enough unemployment; and he felt that members of his union would lose their jobs if the proposed ordinance were adopted. He stated that his home had been robbed three times in the last two years; and, since he does not have an adult theater in his neighborhood, those crimes could not be blamed on such a facility. In conclusion, he stated that many tourists visit local adult theaters; and he emphasized that tourism is San Francisco's biggest industry.

Leland Eimers, representing SEIU Local No. 9, stated that he, also, believed that the proposed ordinance would affect all movie theaters in San Francisco; and, as a result, it would take away jobs which are now occupied by members of his union. He felt that protection and provision of jobs is the most important issue at the present time; and he remarked that legislation which drives people out of business does not create jobs.

Jim Rourke, representing Operation Upgrade: Citizens for a Cleaner Mission, stated that he had been a union leader for many years; and he was appalled at the approach which had been taken by the two union leaders who had just addressed the Commission. Although Mr. Milk had tried to imply that supporters of the proposed ordinance felt that it would help to lower the crime rate, the real issues were the livability of the city and the impact of adult bookstores and theaters on children. He believed that San Francisco is "sick---a

city of cancer"; and he asked what in the hell has ever happened to the privacy of the bedroom? He remarked that adult theaters and bookstores are in business because they are making money; and he believed the attorneys representing them would be just as willing to represent proponents of the ordinance if the price were right. He invited members of the Commission to come to the Mission district to see the effect which an adult bookstore on 16th Street has had on that neighborhood.

Dr. Hugh Baker, also representing Operation Upgrade, made the following comments:

"The city has the right to limit regions for motels etc. It should have the right to limit regions for adult bookstores, adult movies, massage parlors etc. Such places should not be in a region of schools, homes and churches. We have no objection to such places in the Tenderloin or on Broadway. They should not be permitted in the Mission District close to Mission Dolores, a great tourist attraction for the city. Adult stores are not in West Portal, the Marina, Pacific Heights or Nob Hill--respectable parts of the city. We want the Mission District to be respectable."

Phyllis Molinelli, representing the San Francisco County Council of Catholic Women, read the following prepared statement:

"My name is Phyllis Molinelli, and I represent The San Francisco Council of Catholic Women, we have 65 affiliate organizations and approximately 20,000 members in our group. We are from every neighborhood in San Francisco and of all ages. I personally am from the Sunset District and a past president of our mothers group.

"We support this proposed city ordinance and feel it is a fair piece of legislation for all--no ones rights are being violated.

"We have received complaints about the existing Adult Entertainment Establishments and requests to try and curb the growth of this social problem.

"We feel that San Francisco must do everything possible to make this city a pleasant place for people to raise their families and to grow old in as well. The older part of our population are offended by these establishments and have the feeling of helplessness,

because they feel that nothing is being done to protect their rights.

"We also feel the family structure is being threatened in San Francisco because of these places of business. It encourages unsavory types to our neighborhoods and I am sure effects our crime rate. Our children must be free to walk the streets of San Francisco without their parents having to fear what they will come in contact with at any given corner.

"We feel that this ordinance is a positive approach in keeping our city "free for all" everyone has their rights, and I go along with that but we want our rights protected as well.

"I personally, and for the group that I represent, am appalled at what can be seen by just driving through certain sections of our city. I would hate to see our city lose more families because we didn't curb the growth of this social problem.

"If we don't start showing our families and our older citizens that we are trying to keep San Francisco a family city, they will all move to the suburbs. AND THEN WHO WILL PAY THE TAXES?????"

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Gary Borvice, representing La Raza Information Center, indicated his support of the proposed ordinance. He emphasized that the proposed ordinance would not regulate what can be seen. It would only regulate where adult bookstores and theaters could be located. He was concerned that these establishments are now being pushed into minority residential neighborhoods. If the Commission has the authority to regulate the location of gasoline service stations, parking lots, and other types of uses, he felt that it should also have the authority to regulate the location of adult bookstores and theaters. With regard to the issue of possible loss of jobs, he stated that he did not feel that the proposed ordinance would necessarily result in any unemployment since adult bookstores and theaters would still be able to operate in certain sections of the city; and, in any case, other types of movies and books could still be displayed or sold in any commercial district. While tourists may frequent adult bookstores and theaters, the bookstores and theaters which they frequent are located in the downtown area and not in residential neighborhoods; and, as a result, he did not feel that adoption of the proposed ordinance would have any effect whatsoever on tourism.

James A. Scatena, 2000 Oakdale Avenue, read the following prepared statement:

"My name is James Scatena. I have been a resident of San Francisco for nearly all of 44 years. For most of those 44 years I have been a home owner in the City.

"I am a businessman in the specialty contracting field, Chairman of the Board of Scatena York Company, and we own our own building at 2000 Oakdale Avenue. We have been in business for over 35 years. I pay taxes on my home and on our business property.

"I am going to read my prepared statement to you good members of the Planning Commission so that I will take a minimum of time. I appeal to you for consideration of Supervisor Diane Feinstein's proposed ordinance, with a businessman's and tax payer's approach, rather than on the basis of my personal feelings regarding the rampant pornography and obscenity in this City, which has apparently earned us the title, "Porno Capital of America." Perhaps some of you in this room may know that for several years I was Chairman of an Anti-Pornography and Obscenity San Francisco Citizens' Group. During that time I spent considerable money as well as time fighting to keep our City morally clean. I have listened to many attorneys representing special interest groups with very little, if any, regard for the harm which they have been doing to our City. These legal experts have come up with every conceivable interpretation of the various United States Constitution amendments to protect the rights of people and have had little regard, if any, of the harm that has been done to many communities in San Francisco.

"It seems to me that you people on our Planning Commission have the responsibility of helping to maintain communities in our City in a manner representative of the standards of the people who reside in those communities or who have businesses there. Please, ladies and gentlemen, let's quit playing games. You know very well that these porno bookstores, movies, and news stands, are doing harm to our City.

"Businesses are moving away from our City and home owners are moving away. Our population is dropping. Certainly you must have driven through districts in San Francisco, other than the Mission District, and have observed that families with any reasonable moral standards

do not want to shop in these areas and that this has resulted in the closing of many of what used to be thriving businesses large and small. Certainly you are aware that property values have not gone up like in other areas outside the City. They have gone down.

"I definitely feel that it is your responsibility to support a reasonable ordinance as proposed by Supervisor Feinstein. In my opinion, it is really not as restrictive a proposal as it should be, but it is a good start. Time does not permit my presenting a documentation of what other cities throughout the United States have been doing, constitutionally, to restore the moral fiber of their communities. I have a complete file which I will be most happy to bring to you and which I think will convince you that we are doing very little and that many other cities are doing very much.

"In closing, let me say that the theater owners and bookstore owners should have enough respect for San Francisco to support, rather than to fight, this very reasonable proposed ordinance. Remember this, ladies and gentlemen of our Planning Commission, San Francisco is in bad shape crimewise, and please don't labor under the illusion that there is no connection between pornography, drug addiction and crime. It is all part and parcel of a whole package which is breaking down the moral fiber of our City and its communities, and it's costing the tax payers money by reason of lost businesses and patronage of these businesses.

"Thank you for the time you have given me."

Tom Wicker, 560 Noe Street, felt that Supervisor Feinstein was promoting the proposed ordinance for political reasons; and he noted that she had gotten big headlines in the papers for her efforts.

C. R. Arnold, 59 La Grande Avenue, felt that adoption of the proposed ordinance was unnecessary and that efforts to control adult bookstores and theaters would result in a waste of money and of police resources. He felt that the ordinance was poorly drafted and that enforcement of the ordinance would amount to censorship. He regarded the ordinance as unnecessary in view of the fact that attendance at adult theaters is decreasing as the novelty wears off in spite of the fact that prices have gone down; and, in the absence of the type of publicity which would be generated by enactment of

the proposed ordinance, he believed that adult theaters would eventually go out of business and that the problem would take care of itself. He emphasized that policemen are needed to fight crime; and he felt that it would be wasteful to assign policemen to enforce the proposed ordinance. Finally, he stated that one had only to look at the areas where adult bookstores and theaters would be permitted under the proposed ordinance, such as the area south of Potrero Hill, to realize that the ordinance was poorly drafted.

David Rosenberg, 550 Battery Street, represented various night clubs on Broadway. He stated that topless nightclubs, unlike adult movie theaters and bookstores, are not distributed throughout the city; yet, crime is prevalent in all parts of the city. Under the circumstances, he felt that it would be impossible to draw a correlation between topless nightclubs and crime. He remarked that even neighborhood theaters are now showing X-rated movies. As an alternative to enacting the proposed ordinance, he suggested that the Board of Supervisors should consider legislation which would give broader powers to the Police Licensing Board. He noted that the State Alcoholic Beverage Control Board is a very strong agency which has the power to freeze licenses when too many liquor establishments are operating in a single block; and he felt that it would be appropriate for the local Police Licensing Board to have similar authority. In competing with each other, topless nightclubs have 10 or 20 gimmicks going at the present time; and the only people who benefit from attempts to regulate them are attorneys. He indicated that no one in San Francisco has spent more money trying to prove what is right or wrong than the Broadway nightclubs. In conclusion, he stated that pornography is not new, having been around for at least 5,000 years.

Mrs. Dorice Murphy, 175 Yukon Street, indicated that she lives in the Eureka Valley neighborhood. She advised the Commission that a new theater had opened in her neighborhood last year. At first, the theater had shown movies like the original "King Kong"; however, three weeks ago, she noticed that the theater was displaying an advertisement which showed two persons involved in a homosexual act. She regarded such advertising not as an exercise in free speech but as just plain license. The neighborhood had also had a "discreet" adult bookstore which had raised no objection from residents of the area. Recently, however, another adult bookstore had opened which has displays visible from the sidewalk; and she was concerned about the possibility that competition would force the original bookstore to have similar displays. She stated that she had no objection to adult books or movies being available to people who want them; but she did not feel that such material should be foisted on the general citizenry. She remarked that Eureka Valley is only twelve minutes from any other part of the city; and, as a result, it would not be

difficult for people from that neighborhood to go to other districts if they want to be "where the action is". She stated that the Castro Street commercial district has 17 liquor establishments, 2 adult bookstores, and 1 adult movie; and she felt that the neighborhood should be protected against further proliferation of such uses. While she did not want to take away the rights of other people, she felt that the rights of residents of the neighborhoods should be respected, also.

Toby Levine, representing the Mission Planning Council, summarized a letter which she had previously submitted to the Commission. The letter read as follows:

"The Executive Committee and general membership of the Mission Planning Council has fully analyzed the adult entertainment zoning amendment proposed by Supervisor Feinstein. We wish to express our support of it and our willingness to cooperate with other City-wide commercial and residential organizations in working toward its implementation.

"As you are aware the Mission District has been extremely affected by a proliferation of low-quality adult entertainment enterprises within its residential neighborhoods. Not only have these enterprises negatively affected the quality of residential life but they have impeded the entry of meaningful economic development projects into our district.

"Our support for the proposed amendment does not stem from a wish to be arbiters of the City's mores. Rather, it derives from long-demonstrated dedication to the appreciation of sound planning and zoning oriented to protecting and upgrading the neighborhood of San Francisco."

Commissioner Rosenblatt remarked that it appeared the Mission District had been relatively successful in keeping adult theaters and bookstores out of that neighborhood; and he wondered how that had been accomplished.

Ms. Levine replied that the neighborhood's success was basically attributable to "eternal vigilance". On occasion, they had held press tours, had picketed the homes of owners of pornographic establishments and had passed out leaflets to their neighbors explaining the type of business operation in which they were involved. They had never been successful in keeping a pornographic establishment from opening; but they had been able to close a few of them. However,

picket lines are time-consuming; and she hoped that the proposed ordinance would be adopted so that pornographic establishments could be controlled by the city.

Angie Alarcon, also representing the Mission Planning Council, stated that she, also, supported the proposed ordinance. She remarked that it is almost impossible to see a family movie anymore. She stated that some of the owners of pornographic establishments live in big houses; and she wondered how they would like to have pornographic establishments in their own neighborhoods which their daughters would pass every day.

Vahan Toolajian, representing Operation Upgrade, denied that Supervisor Feinstein had introduced the proposed ordinance for political reasons. He indicated that his organization had discussed the problems of the Mission district with Supervisor Feinstein and other members of the Board over the past two years; and the proposed ordinance was intended to protect residential areas such as the Mission district from certain problems which they had experienced in the past. He emphasized that the Mission district is an historic part of San Francisco; and he advised the Commission that the neighborhood has been "going downhill in a wheel-barrel". He stated that the members of his organization do not believe in censorship; but they felt that legislation is needed to regulate the location of adult bookstores and theaters. While he could appreciate certain points which had been raised by individuals who had spoken in opposition to the ordinance, he felt that the problem could be understood only when one has seen the effect which pornographic bookstores can have on a neighborhood; and he urged members of the Commission to come to the Mission neighborhood next Monday night to see the pornographic bookstores on 16th Street.

Don H. Banks, representing Le Salon, Inc., an adult bookstore on Polk Street, remarked that the proposed ordinance presently under consideration was patterned after the Detroit ordinance which was upheld by the Supreme Court by a very small majority; however, he indicated that the proposed ordinance differs from the Detroit ordinance in many important respects. The Detroit ordinance would not affect existing adult bookstores and theaters but only new ones. The proposed ordinance would affect both existing and new businesses. He believed that if the proposed ordinance were redrafted to affect only new businesses it would satisfy at least 80 per cent of the people in the audience who had spoken in support of the ordinance since they had taken the position that they did not wish the existing situation to become any worse. If adult bookstores and theaters could not be located within 1,000 feet of any residential district in San Francisco, the only place they could be located would be at Hunters Point; and he remarked that the effect of the Detroit ordinance was not nearly so drastic.

Mark Joplin, 55 Sutter Street, addressed a series of questions to Deputy City Attorney Philip Moscone who was present in the meeting room. As a result of the questioning, Mr. Joplin determined that magazines such as Oui and Playboy would be classified as adult magazines under the definition provided in the proposed ordinance and that "mom and pop" stores which devote more than 5 per cent of their floor or display space to the sale of such materials would be regulated by the proposed ordinance. The result would be that such stores could not be located within 1,000 feet of a residential area or within 500 feet of each other; and they would not be able to display any "stock in trade", even bread or potatoes, which could be viewed from a street, sidewalk or highway. Mr. Moscone acknowledged that the proposed ordinance, as presently drafted, would have the effect described by Mr. Joplin. However, he emphasized that that was not the intent of the ordinance; and he indicated that the ordinance was "about to be amended".

Mr. Joplin then asked if the proposed ordinance, as presently worded, would allow the Police Department to close down "mom and pop" stores or establishments such as Le Salon within less than one year after its enactment. Mr. Moscone replied that the intent of the proposed ordinance was to allow such establishments at least one year for relocation.

Mr. Joplin then stated that he believed that the proposed ordinance was "as full of holes as a piece of fine Belgian lace"; and he urged that it not be enacted.

Elizabeth Anello, Chairperson of Operation Upgrade, stated that members of her organization had met with Supervisor Feinstein and Mr. Moscone of the City Attorney's office last fall to describe the type of ordinance which they would like to have enacted; and the ordinance which was presently before the Commission for consideration had subsequently been drafted by Mr. Moscone. The objective of the proposed ordinance would be to make residential neighborhoods a better place to live. The bookstores on 16th Street in the Mission district contribute nothing to the neighborhood; and, in such an instance, she felt that the offending uses should look for alternate locations.

Arlene Elster, 419 Peru, stated that she was not aware of any statistics which indicate that pornographic establishments have any effect on neighborhood decline. While she recognized that the Supreme Court had ruled that local jurisdictions may enact legislation regulating the location of adult bookstores and theaters, she emphasized that San Francisco has always been "infamous"; and she questioned whether the people of San Francisco would really want to enact such an ordinance. She advised the Commission that she had

been involved in 12 lawsuits which had been filed against the Sutter Street Theater; and she indicated that all of those cases had eventually been dropped because the prosecutors could not obtain convictions. She stated that she had opened her theater in 1970 on Sutter Street between Grant Avenue and Stockton Street. At that time, the neighborhood was becoming somewhat shabby. However, in the intervening years, the block in which her theater is located had become one of the most fashionable blocks in San Francisco; and the taxes on the building in which the theater is located had jumped \$4,000 in one year. Under the circumstances, she did not feel that a case could be made that adult theaters lower property values.

Charles Bolton, 3589 - 18th Street, stated that it was obvious that pornographic establishments would not exist unless they were economically lucrative. However, experience had indicated that the people who operate such establishments do not live in the neighborhoods in which the establishments are located. As a result, they do not share the concerns of the neighborhoods in which they are located. He remarked that adult theaters and bookstores have not been a problem in certain neighborhoods of the city; and he emphasized that the proposed ordinance would not involve censorship but would merely control the location of such facilities. He noted that the City Planning Code regulates the location of many types of uses; and he felt that it would be appropriate for the City Planning Code to contain language regulating the location of adult bookstores and theaters. While the proposed legislation might have defects, those defects were not in the sections of the ordinance which would appear in the City Planning Code. Therefore, he urged that the Commission endorse the language which would specify that adult bookstores and theaters should not be located within 1,000 feet of a residential area.

Jude Laspa, President of the Eureka Valley Promotion Association, stated that his organization had not taken a stand on the proposed ordinance. However, as an individual, he felt very strongly that legislation to regulate the location of adult bookstores and theaters is necessary for the preservation of the city's neighborhoods. He indicated that he was particularly concerned about outdoor advertising at pornographic establishments.

Commissioner Bierman stated that she respected the viewpoints which had been expressed by the neighborhood representatives who had addressed the Commission on this matter. However, she felt that she could not support the proposed ordinance. She believed that it should be possible to devise legislation which would control window displays and sidewalk advertising for adult bookstores and theaters; but she was of the opinion that creation of a special zone for such uses would have undesirable results. Personally, she did not regard

pornography as something awful. Many people obviously derive some enjoyment from pornography; and she felt that legislation which would move all pornographic establishments into a single zone would result in the creation of a "monster". She stated that she had raised children who had gone everywhere in the city; and she did not believe that it would be possible to protect kids from seeing pornographic establishments even if those establishments were restricted to Islais Creek or the South of Market Street area. She stated that she had seen and enjoyed pornographic material and did not feel that she was a bad person; and she could not categorize other individuals who had done likewise as bad people. She recognized that residential neighborhoods do have a problem with pornographic establishments as they presently exist; but she was hopeful that legislation could be devised which would allow such establishments to continue to exist for the enjoyment of people who patronize them but in a way which would not offend other people.

Commissioner Rosenblatt felt that it is the function of zoning to control uses and not just the exterior appearance of the uses. While the proposed ordinance might not be the best approach to a solution of the problem, he felt that the Commission should not ignore the basic issue which had been raised by representatives of the residential neighborhoods. He noted that there may be alternate approaches available such as increasing the authority of the Police Department over permits; and he suggested that the matter should be taken under advisement for further analysis.

Commissioner Dearman stated that she, personally, found smoking to be more offensive than pornographic bookstores and theaters because she has easily avoided these establishments while she must sit in public meetings with smokers. She indicated that she has four children and had asked one of them how she felt about the pornographic issue; and her child's response was that it "is no big deal". She believed that pornographic establishments would gain more importance as more attention is focused on them; and she felt that such businesses would eventually decline if they are not made into a big issue. She stated that she was not insensitive; and she indicated that she did care about the quality of residential neighborhoods. She felt that she could not vote for the proposed ordinance which would legislate all adult bookstores and theaters into one part of town whereas she could support stringent sign and display controls and controls on the distance between such establishments.

Rai Y. Okamoto, Director of Planning, stated that the staff wished to have additional time in which to study this issue; and, since the matter had not been scheduled for consideration by the Planning, Housing and Development Committee of the Board of Supervisors during February, he recommended that the matter be taken under advisement until the meeting of March 3 at 4:30 p.m.

FEBRUARY 10, 1977

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the public hearing be closed and that the matter be taken under advisement until the meeting of March 3, 1977, at 4:30 P.M.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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Minutes of the Regular Meeting held Thursday, February 17, 1977.

The City Planning Commission met pursuant to notice on Thursday, February 17, 1977, at 1:00 P.M. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alan Lubliner, City Planning Coordinator; Moira So, City Planning Coordinator; Dick Swanson, Staff Assistant IV; Nathaniel Taylor, Planner III; Glenda Skiffer, Planner III; Ralph Gigliello, Planner II; William Oman, Planner II; Mark Winogrand, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, informed the Commission that the Planning, Housing, and Development Committee of the Board of Supervisors, meeting on Tuesday, had recommended the adoption of a proposed resolution designating and describing a survey area in the Northeastern Waterfront area from Pier 7 to China Basin. Commissioner Rosenblatt, who had also been present at the meeting, stated that the Committee had amended the draft resolution to provide that a citizens advisory committee be appointed jointly by the Planning Commission and the Redevelopment Agency. Another amendment had provided that a memorandum of understanding should be prepared to outline the specific responsibilities of the individual agencies involved.

The Director stated that the Planning, Housing, and Development Committee of the Board of Supervisors had also considered the proposal to have buildings in the Civic Center area placed on the National Register. That proposal had been initiated by the Foundation for San Francisco's Architectural Heritage. The Committee requested that the various boards concerned meet together to determine if a consensus of opinion can be reached on the subject.

The Director announced that the Department of City Planning, the Mayor's Office, and the San Francisco Planning and Urban Renewal Association (SPUR) will sponsor a one day working session on Wednesday, March 2, at the Sheraton Palace Hotel to discuss center-city problems. The conference will be coordinated by the Office of the Mayor of New York City under an Economic Development Administration (EDA) grant.

The Director reported that next Thursday's Commission meeting will begin at 12:00 with a field trip to properties which will be considered by the Commission during March.

The Director reported that the Board of Permit Appeals, meeting on Wednesday evening, had sustained the Commission's disapproval of a building permit application for an apartment building at 2120 Stockton Street by a vote of 2 to 2.

The Director requested that the meeting of the Implementation Committee of the Commission be scheduled at 1:00 P.M. Tuesday, February 22, to consider the proposed ordinance which would amend the City Planning Code to restrict the location of adult bookstores and adult theaters.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

Commissioner Starbuck stated that the Implementation Committee of the Commission had met earlier in the day to consider several calendared items. The Committee had recommended that the Department of City Planning should maintain joint responsibility with the Redevelopment Agency for preparation of Environmental Impact Reports dealing with projects of that agency rather than transferring all responsibility for preparation of such reports to the Agency. The Committee had also agreed that only the portion of an environmental evaluation prepared by the staff of the Department of City Planning need be transmitted to members of the Commission. The Committee had also reviewed the status of cases overruled by the Board of Permit Appeals which are being held by the Zoning Administrator; and it had received a status report on the Residential Zoning Study.

PHOTOGRAPHIC SLIDE PRESENTATION OF HISTORY OF GOLDEN GATE PARK BY
RAYMOND CLARY, HISTORIAN.

Mr. Clary presented the slide show and responded to questions raised by members of the Commission.

During the course of the proceedings, Commissioner Finn, arrived in the meeting room and assumed his seat at the Commission table.

EE76.373/NLA - REPORT ON COMMENTS TO BE DELIVERED TO THE STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION REGARDING THE POSSIBLE DEVELOPMENT OF A FOSSIL FUEL POWER PLANT BY THE PACIFIC GAS AND ELECTRIC COMPANY BELOW POTRERO HILL EAST OF THIRD STREET.

Ralph Gigliello, Planner II, reported that the Pacific Gas and Electric Company had filed a notice of intention with the State Energy Resources Conservation and Development Commission to file an application for certification of a combined cycle power plant and associated facilities in the San Francisco Bay Area; and one of the alternate sites for the proposed facility would be in San Francisco on property located below Potrero Hill east of Third Street which is already

owned by the Pacific Gas and Electric Company. The State Energy Resources Conservation and Development Commission was scheduled to hear closing statements and comments on the proposal at a meeting on Friday, February 18; and Dr. Selina Bendix, the San Francisco Environmental Review Officer, had prepared a summary of the concerns of the City and County of San Francisco to be presented at that hearing. Mr. Gigliello then summarized the comments which had been prepared by Dr. Bendix relating to applicable local regulations and ordinances, noise, water use and quality control, safety and reliability, and land use issues. He then recommended the adoption of a draft resolution which had been prepared with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the construction of a power plant within the San Francisco Bay Area could have significant impacts upon the City and County of San Francisco;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission finds that the building permit application for the construction of a power plant at the Potrero site as discussed in the Pacific Gas and Electric Company Notice of Intent would be subject to Discretionary Review by this Commission;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission finds that the 'Closing Statements and Comments' prepared by Dr. Selina Bendix, San Francisco Environmental Review Officer, adequately reflect concerns of the City and County and embody conditions which would be or might be established for local project approval at the Potrero site."

Walter Farrell, representing the Pacific Gas and Electric Company, responded to questions raised by members of the audience regarding the capacity of the proposed facility.

Commissioner Starbuck noted that the comments which had been prepared by Dr. Bendix, in discussing the issue of noise, had referred to the proximity of a small residential area which includes the Scott School; and he suggested that a similar reference should be included in this section of the comments relating to land use issues.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7667.

CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NO. 459545 FOR AN 8-UNIT APARTMENT BUILDING
AT 401 UNION STREET. (EE76.218)
(CONTINUED FROM MEETING OF FEBRUARY 10, 1977.)

Rai Y. Okamoto, Director of Planning, noted that this matter had been considered by the Commission during its meeting last week but had been taken under advisement because neither the applicant nor the Telegraph Hill Dwellers, who were requesting the discretionary review, were present at that meeting. He remarked that the staff had recommended that the request for discretionary review be denied; and he indicated that he was prepared to offer the same recommendation to the Commission at this point.

John Holmes, representing the Telegraph Hill Dwellers, read and submitted the following statement:

"At our General Membership Meeting on February 14, strong feelings of outrage were expressed when the membership learned that, because the owner was denied a remodeling permit, the Garfield Market is now to be torn down and not replaced. The overwhelming sentiment was that such non-conforming uses be permitted to continue to serve San Francisco's neighborhoods indefinitely - either in existing buildings or in new buildings.

"The Telegraph Hill Dwellers therefore request R-C Zoning for whatever amenities that now exist on the Hill in areas presently zoned purely residential. We make this request in view of legislation now pending.

"We feel that, subject to Planning Department review, present non-conforming uses should become permitted uses with no expiration date when the neighborhood so desires. We urge the Planning Commission to expedite legislation to this effect.

"With respect to the remodeling permit which was denied to Mr. Lee, We respectfully urge this Commission, in view of pending legislation and the wishes of the neighborhood, to expedite specific legislation which would allow the Garfield Market to continue to serve our neighborhood in a new building along the lines requested in the remodeling permit. Until such time that the present inequities have been removed from The Planning Code we feel this to be a fair and reasonable request.

"Under the remodeling permit, which was denied, the owner could have built 5 units with one commercial space (the store) and only 3 offstreet parking spaces. The present building has none. In order to encourage the retention of service amenities in our neighborhoods we feel that there should be some relaxation of the 1:1 parking requirement under the proposed R-C Zoning. Let us preserve the quality of life in our neighborhoods."

Sam Schneider, representing the applicant, stated that he had met with Mr. Holmes to discuss the concerns of the Telegraph Hill Dwellers. As a result, his clients had agreed to consider the possibility of substituting the building permit application for a new building for an alteration permit to remodel the existing building, retaining the grocery store and adding three additional dwelling units. However, the building permit application for the new building had been submitted prior to May 20, 1976, when the interim Residential Zoning Controls had been enacted by the Commission; and the proposal for alteration of the existing buildings would not conform to the interim controls. Mr. Levy of the Bureau of Building Inspection had stated that he could not allow substitution of an alteration permit application for the previously filed building permit application. As a result, his client hoped that the building permit application for construction of an 8-unit apartment building would be approved by the Commission.

Commissioner Bierman asked how residents of the neighborhood would be affected by loss of the existing store. Mr. Holmes replied that there is a small store accessible over relatively flat land and a larger store which is accessible by way of a very steep hill.

Commissioner Finn asked how many grocery stores are located in the immediate area. Mr. Holmes estimated that four or five small stores are available to serve the neighborhood; however, the store on the subject property is more accessible than some of the others to residents of the immediate area.

Commissioner Bierman asked if an error had been made in including the subject property as part of an R-M-1 zoning district under the interim zoning controls. Mark Winogrand, Planner II, replied that any error which might have been made was not a drafting error but an error of judgement. He indicated that the staff would be willing to study the appropriateness of a combined residential/commercial zoning designation for the property in the area if requested to do so by the Telegraph Hill Dwellers; however, any final action on the interim zoning controls would not be before the Commission before June or July of this year.

Mr. Schneider remarked that the interim zoning controls had been based upon a great deal of study; and he felt that an arbitrary reclassification of the subject property to R-C-1 would negate the purpose of these studies.

Commissioner Starbuck remarked that the Telegraph Hill area, in particular, has a number of non-conforming uses; and he felt that some consideration should be given as to whether residential/commercial zoning would be appropriate in the area.

Mr. Winogrand stated that the Telegraph Hill Dwellers are presently evaluating the staff's proposals for rezoning in their area and will be making recommendations for changes to the staff of the Department of City Planning. Rai Y. Okamoto, Director of Planning, stated that he did not feel that removal of the existing non-conforming grocery store would result in a substantial

loss of service for the neighborhood, particularly in view of the fact that there are other small grocery stores in the area. Therefore, he recommended that the request for discretionary review be denied.

Commissioner Bierman stated that she would be willing to take the matter under discretionary review if there were anything that the Commission could do to resolve the problem to the satisfaction of the Telegraph Hill Dwellers; however, it appeared that there was nothing that the Commission could legally do to enable the existing grocery store to remain.

The Director stated that the only thing that the Commission could do would be to wait until the Residential Zoning Standards are under consideration in May or June and make a determination at that time as to whether the subject property should be zoned for residential/commercial use.

Mr. Schneider stated that such delay would be very expensive.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the request for discretionary review be denied.

PRESENTATION OF REHABILITATION FINANCE STUDY FINDINGS AND RECOMMENDATIONS BY CONSULTANTS.

Ronald Jonash and Irwin Mussen, Consultants, presented a summary of their recommendations, as follows:

"A. New Programs

- "1. Concentrated, area defined program of mandatory code enforcement for apartment houses and hotels, and owner-initiated code enforcement for 1-2 unit buildings. Marks-Foran financing to be available.
- "2. Owner initiated rehabilitation counseling, financial counseling, and financial assistance under CHFA and Marks-Foran in single-family, owner-occupied areas. Code enforcement occurs through presale inspection process (B(1), below) and in buildings financed with an assisted loan.
- "3. Phased RAP in small areas, with phased code enforcement.
- "4. Predesignation of areas for RAP to provide counseling, financing assistance, and inspections on a voluntary basis for a period

of time prior to initiation of full RAP inspection procedures.

"B. Code Administration Changes

- "1. Institute mandatory complete inspections of all buildings at the time of sale.
- "2. Establish Housing Code Review committee to review appropriateness of code provisions and propose changes to the Board of Supervisors.
- "3. Institute fees for service in the RAP.
- "4. Reduce the cycle for completion of the Systematic Code Enforcement program from 18 years to 10 years.
- "5. Institute Permit of Occupancy inspections on a more thorough, less frequent basis (3 years), and expand program to include 1-2 unit renter occupied buildings.
- "6. Establish the legality and availability of courtesy building inspections on request, but defer enforcement if requested except for life-safety violations.
- "7. Institute fee for service in pre-sale inspections and permit of occupancy inspections.

"C. General

- "1. Develop readable manuals on codes, financing, and rehabilitation programs.
- "2. Establish program monitoring and evaluation unit in the Department of City Planning.
- "3. Expand rehabilitation education programs and courses in rehabilitation finance through the Adult Education program.
- "4. Undertake neighborhood commercial district improvement programs in conjunction with neighborhood residential rehabilitation.

"D. Financing Recommendations

- "1. Establish a Financing Advisory Committee to:
 - "a) Expand access to less costly refinancing; waive pre-payment penalties; use blended interest rates; establish longer repayment terms; use wrap-around financing.
 - "b) Establish advance mortgage financing - extending the amount of existing mortgages.
 - "c) Get private lenders to require pre-sale compliance of the pre-sale inspection report.
 - "d) Work to eliminate redlining by monitoring the State redlining regulations, and employ tactical use of City's deposits.
 - "e) Expand financial counseling.
 - "f) Expand private-public cooperation in issuing Marks-Foran bonds.
- "2. Coordinate neighborhood - City - Lender committees to review redlining problems and to identify special problems and needs.
- "3. Establish a new office of Housing Finance to:
 - "a) Function for the City as its financial agent in housing matters so that the City could be designated an FHA approved mortgagee.
 - "b) Help HUD market and expedite various FHA programs which could potentially be useful: 223(f), 203(b), 203(k).
 - "c) Work with FHA to relax seismic standards and appraisal practices to allow above programs to work.
 - "d) Expand availability and coverage of Title 1 Home Improvement loans.
 - "e) Get HUD to earmark Section 8 units for rehabilitation.
 - "f) Get expanded allocations of Section 312 loan funds and Section 202 funds for elderly housing.

"4. City should amend RAP ordinances to:

- "a) Extend terms to 40 years and loan amount to \$30,000 per unit, as authorized in the Marks-Foran legislation.
- "b) Allow for use of bond proceeds in non-designated areas on scattered basis.
- "c) Allow use of bond proceeds in areas generally designated as "residential rehabilitation areas" (i.e. areas predesignated for RAP, or concentrated apartment house and hotel enforcement, or demonstration owner-initiated programs); find legal substitute to the requirement of 95% code compliance.

"5. Use RAP to:

- "a) Finance improvements in neighborhood commercial revitalization areas.
- "b) Establish hardship loan pool from arbitrage.
- "c) Allow flexible repayment terms.
- "d) Sell more bonds.

"6. Amend RAP ordinance to revise the rent stabilization guidelines to reflect net, after tax costs.

"7. Designate areas for CHFA single-family rehabilitation and multi-unit rehabilitation. Use CHFA for conversion of existing non-residential buildings and large scale substantial rehabilitation on scattered basis.

"8. Use Community Development funds for Direct Assistance:

- "a) Short-term acquisition and resale financing.
- "b) Variable rate and term of hardship loans up to \$5,000 per unit.
- "c) Downpayment assistance loans.
- "d) Interest supplements on RAP loans through annuity type investment of CD funds.

- "e) Revise the Repair and Demolition fund (City General Fund program) to include CD revolving funds and to establish flexible repayment terms.

"E. Program Management

"1. Establish a new Office of Housing Finance to:

- "a) Process all assisted loans, provide financial counseling, and prepare all public manuals.
- "b) Administer all direct and indirect assistance programs.
- "c) Coordinate with FHA, CHFA, private lenders and the rehabilitation financing committees.
- "d) Consolidate the existing staff from City agencies plus 2-3 new positions.
- "e) Place under the CAO, then fold into new super agency of Housing and Community Development.

"2. Establish new Housing and Neighborhood Improvement Unit to:

- "a) Provide client-related rehabilitation counseling services.
- "b) Develop new programs and strategies, and conduct feasibility studies.
- "c) Oversee centralized management of project operations.

"3. Phase the reorganization of this new unit within the context of the new Housing and Community Development agency."

Because the Commission was scheduled to be in Room 282, City Hall, at 3:30 P.M. to hear another calendared item, President Lau requested that discussion of the consultants' proposals be postponed until later in the meeting. He then called for a recess at 3:40 P.M. The Commission proceeded to Room 282, City Hall, and reconvened at 3:55 P.M. for hearing of the remainder of the agenda. President Lau was temporarily absent from the meeting room. Commissioner Rosenblatt assumed the chair.

DR77.5 - 1981 FUNSTON AVENUE, FOUR LOTS WITH ACCESS TO FUNSTON AVENUE, APPROXIMATELY 36 FEET NORTH OF ROCKRIDGE DRIVE. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE REQUEST TO AUTHORIZE CONSTRUCTION OF FOUR TWO-FAMILY BUILDINGS ON FOUR LOTS, IN AN R-1 AND PROPOSED RH-1 DISTRICT. (EE74.299) (UNDER ADVISEMENT FROM MEETING OF FEBRUARY 3, 1977.)

Robert Passmore, Planner V (Zoning), remarked that this matter had been taken under advisement from the meeting of February 3, 1977, to enable the Fire Department to perform tests to determine whether its vehicles could gain access to the subject property. The tests had been performed on the previous Monday. He advised the Commission that the applicant had requested that the Commission defer action on the subject application; however, if the Commission were prepared to act, the staff would be prepared to make a recommendation.

Jack K. Dooling, Attorney for the applicant, stated that he and his client had been present at the Fire Department's test on Monday; and, subsequently, they had met with representatives of the Fire Department to discuss the problems involved. He indicated that certain issues needed to be resolved with the Department of Public Works before the Fire Department would be able to make its final decision on the matter; and his client was requesting that the matter before the Commission be continued for one and one half months so that those matters could be resolved.

Commissioner Rosenblatt asked Mr. Dooling if he anticipated that his client would reassess other aspects of the proposed project during the interim. Mr. Dooling replied that he did not know if there would be any changes in other aspects of the proposal.

Commissioner Dearman asked if the Fire Department were unprepared to make its recommendation to the Commission.

Robert Rose, Assistant Chief of the San Francisco Fire Department, stated that he would have to register an objection to the present configuration of the access driveway and turn-around based on the tests which had been performed on Monday. However, the applicant had requested a continuance so that he would be able to bring his plans into conformity with the Building Code; and he advised the Commission that he would have no objection to the continuance which the applicant had requested.

Commissioner Bierman inquired about the nature of the Fire Department's objections to the proposed project.

Assistant Chief Rose stated that the Fire Department's objections were based on the fact that existing conditions are inadequate for proper accessibility for Fire Department equipment. The basic requirement is that Fire Department vehicles have the ability to come into a property, to turn around, and to leave the property. The turning around process requires a 60 foot diameter (30 foot radius) turning area; and the existing paved area on the subject property does not meet those standards.

Mr. Dooling stated that his client was requesting additional time to work out the problem to the satisfaction of the Fire Department.

Vice-President Rosenblatt remarked that a number of issues had been raised during the hearing of February 3 in addition to the issue of access for Fire Department vehicles; and he asked Mr. Dooling if he anticipated that his client would make an effort to address those other issues if the matter were continued. Mr. Dooling replied that he was confident that his client would address the issues and would resolve them satisfactorily, although members of the Commission might not necessarily agree with his solutions. He asked that the matter be continued until the meeting of April 7.

Mr. Passmore felt that the applicant should be aware of the present position of the staff of the Department of City Planning; and, therefore, he believed that it would be appropriate for him to give the staff recommendation to the Commission. He remarked that the subject property is in an area which is developed with single-family houses; and he did not feel that the applicant had made a sufficient case for developing two-family buildings on the property. However, in view of the fact that the property is privately owned, the staff felt that some development of single-family housing should be permitted on the site; and the staff would be prepared to consider a proposal for up to four dwelling units on the property.

Commissioner Bierman asked when the applicant would be able to file new applications for construction of single-family homes if the subject building permit applications for two-family buildings were to be disapproved. Mr. Passmore replied that the applicant would be able to file building permit applications for single-family homes immediately.

Mr. Dooling remarked that a Negative Declaration had been issued for the building permit applications which were presently under consideration; and he questioned whether new building applications for single-family dwellings would again be subject to environmental evaluation. He noted that satisfactory access would have to be provided for Fire Department vehicles even if single-family houses were to be constructed; and, as a result, he urged the Commission to defer action on the subject building permit applications until the access problem has been resolved.

Vice-President Rosenblatt asked residents of the subject neighborhood who were present in the audience if they would have any objections to the granting of the continuance requested by the applicant.

Anthony R. Morelli, spokesman for residents of the area, stated that they would object to the request for a continuance.

Commissioner Bierman observed that residents of the neighborhood obviously did not wish to come back to another meeting on this matter. She said that she had been prepared to vote on the issue during the meeting of February 3 but had felt that it would be appropriate to give the Fire Department time to undertake

the tests which had been requested by residents of the neighborhood; however, since the tests had now been made, she would be prepared to vote on the matter during the present hearing. She stated that she would be opposed to construction of duplexes on the subject property but would be willing to allow construction of one single-family dwelling on each of the four lots.

Mr. Passmore stated that any action taken by the Commission disapproving the four building permit applications for construction of duplex buildings could be appealed to the Board of Permit Appeals.

Commissioner Finn stated that he was sympathetic with the position of residents of the neighborhood; but he was also concerned about some of the issues which had been raised by Mr. Dooling. If a continuance were granted, he felt that there was a possibility that the applicant would be able to revise his project so that it would be acceptable to residents of the neighborhood and to the Fire Department. If not, the Commission would act to disapprove the building permit applications in the future; and the applicant could then decide whether he wished to appeal that decision to the Board of Permit Appeals.

It was then moved by Commissioner Finn and seconded by Commissioner Elliott that this matter be taken under advisement until the meeting of April 7.

Commissioner Dearman stated that she was not opposed to granting the continuance. However, the Commission had received a great deal of testimony during the public hearing on February 3 and had received a recommendation from the Fire Department during the present meeting; and, based upon what she had heard, she would be unable to support construction of more than four dwelling units on the property.

Mr. Dooling stated that the Commission still might be encouraged to undertake another discretionary review if building permit applications were filed for four single-family dwellings; and, as a result, he felt that it would be preferable to take the matter under advisement so that the plans could be revised and so that the issue could be resolved once and for all.

The Director recommended that the subject building permit applications be disapproved. Mr. Passmore distributed a draft resolution of disapproval for consideration by the Commission and explained that the issue of the Fire Department access had not been used as a reason for disapproval in the resolution because that same issue would be pertinent to single-family houses.

When the question was called on the motion to continue the matter until the meeting of April 7, Commissioners Elliott and Finn voted "Aye"; Commissioners Bierman, Dearman, Rosenblatt, and Starbuck voted "No". The motion failed by a vote of 2 to 4.

Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7668 be adopted and that the subject building permit applications be disapproved.

At 4:30 P.M. Vice-President Rosenblatt announced 5 minute recess. The Commission reconvened at 4:35 P.M. and proceeded with hearing of the remainder of the agenda.

PRESENTATION OF REHABILITATION FINANCE STUDY FINDINGS AND
RECOMMENDATIONS BY CONSULTANTS. (CONTINUED)

Ronald Jonash and Irwin Mussen, who had presented their recommendations to the Commission earlier in the meeting, responded to questions raised by members of the Commission concerning the Rehabilitation Finance Study. During the course of the discussion, President Lau returned to the meeting room and reassumed the Chair.

STATUS REPORT ON TRANSIT PREFERENTIAL STREETS PROGRAM.

Because of the lateness of the hour, President Lau announced that this matter would be postponed indefinitely.

The meeting was adjourned at 5:15 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO
CITY PLANNING COMMISSIONSAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, February 24, 1977.

The City Planning Commission met pursuant to notice on Thursday, February 24, 1977, at 12:00 noon at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Alan Billingsley, Planner II; Ralph Gigliello, Planner II; Paul Rosetter, Planner II; Mark Winogrand, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

12:00 NOON - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:00 noon to take a field trip to properties scheduled for consideration during March.

1:30 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the minutes of the meetings of January 20 and 28, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that a second planning meeting with residents of the Potrero Hill area has been scheduled for Saturday, February 26, at 10:00 A.M. at the Buena Vista School, 2641 - 25th Street.

The Director reminded the Commission that the Mayor's Public Hearing on the Department of City Planning's budget for the next fiscal year will be held on Thursday, March 3, 1977, at 7:30 P.M. at the Edison School, 3531 22nd Street.

The Director advised the Commission that the Board of Supervisors, meeting on Tuesday, had continued consideration of the proposed resolution designating and describing a survey area in the Northeastern Waterfront until its meeting next Monday, February 28.

The Director reported that he had again met with representatives of the Presidio to discuss procedures for local review of building projects proposed for that military post.

At this point in the proceedings, Commissioner Finn arrived in the meeting room and assumed his seat at the Commission table.

The Director announced that the Health and Environment Committee of the Board of Supervisors, meeting on Wednesday, had recommended adoption of an ordinance amending Chapter 31 of the Administrative Code to bring that Code into compliance with the California Environmental Quality Act (CEQA).

The Director indicated that he had attended the first day of a two-day conference - "As Their Land Is" - which had been sponsored by the Governor's Office of Planning Research.

The Director reported that work is proceeding on projects proposed for the sites of the Fitzhugh and City of Paris Buildings.

PRESENTATION BY GRUEN + GRUEN ASSOCIATES, ECONOMIC CONSULTANTS TO THE DEPARTMENT OF CITY PLANNING, OF A REPORT ENTITLED "ANALYSIS OF ECONOMIC IMPACTS OF THE PROPOSED CHANGE IN SAN FRANCISCO ZONING"..

Claude Gruen, Consultant, summarized the report and responded to questions raised by members of the Commission. He also submitted a written summary of the report which read as follows:

"The Gruen Gruen + Associates' analysis forecasts the long-run effect of the residential zoning changes that became effective on May 20, 1976 on the production of housing, the cost of housing, and the City's tax base. The impact of the zoning change was found to vary significantly between neighborhoods, but the following generalizations were drawn:

"Housing Production

"The proposed new zoning will result in fewer additions to the City's housing stock because fewer sites are zoned for the type of higher density structures that are most likely to be built. The reduction of areas in which low-rise, multi-unit structures such as structures containing three flats or twelve-unit apartment buildings are particularly significant because, in some

neighborhoods, the construction of such units on sites presently occupied by single-family and two-unit structures is feasible. Since the new zoning restricts such new construction, fewer single-family and two-unit dwellings will be torn down. In some cases, this will mean that units that would have been torn down will instead be rehabilitated. The study also points out that it is not feasible for the private market to build new housing for moderate-income households regardless of what zoning policy is adopted. For example, the minimum feasible cost of a newly-produced single-family row house of 1250 square feet was estimated to be \$73,475.

"Housing Costs

"Because it will slow the addition of new units, the proposed new zoning regulation will intensify the pressures for rising rents and housing prices in San Francisco unless mitigating action is taken to increase the housing supply. Low and moderate-income households will find a shortage of shelter at a price they can afford, creating pressures for the acceptance of housing units even if maintenance standards are low. Such shortages are tending to worsen as some previously moderate-income housing is being purchased or rented by those who can afford to pay more for units, causing some neighborhood housing quality to improve, but changing the socio-economic make-up of the area.

"Land Values and Property Taxes

"Since the proposed new zoning decreases the number of units that can be built on land now occupied by relatively low density residential housing, it tends to reduce land values. The number of apartments and flats likely to be added to the tax roles under the new zoning is less than what would eventually have been built under the old zoning. But the new zoning will encourage the rehabilitation and maintenance of low density units that might otherwise have been allowed to run down on the expectation of their eventually being demolished for high density sites. The encouragement of rental and price increases will also increase the tax base under the new zoning. But, the overall effect of the proposed new regulation will result in more slowly increasing assessment value for the housing sector of the City's tax base than would have been the case under the pre-existing zoning.

"The report's findings were drawn from a micro-economic analysis of housing market conditions in differing San Francisco sub-markets. Data and comments for the analysis was provided by a

citizen committee which included neighborhood leaders and members of the real estate community; the consultant also received assistance from a University of California architectural team. The analytical framework that Gruen Gruen + Associates developed can be utilized to analyze the impacts of other City policies and built upon to provide more detailed insights into housing pressures in subareas of San Francisco."

The report is available in the files of the Department of City Planning.

RS76.13 - PUBLIC HEARING ON TENTATIVE MAP FOR A 13-LOT SUBDIVISION AT TOMASO COURT SOUTH OF SUNNYDALE AVENUE OPPOSITE CORA STREET, LOTS 28c, 50, 51 AND PORTIONS OF LOTS 89 AND 91 IN ASSESSOR'S BLOCK 6309.

Robert Passmore, Planner V (Zoning), stated that the proposed subdivision would require conditional use authorization by the Commission; and the earliest date that such an application could be considered would be April 7. Therefore, he recommended that consideration of the Master Plan referral be postponed until that date, also.

It was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that this matter be postponed until the meeting of April 7, 1977. Commissioner Dearman was absent from the meeting room when the vote was taken.

RS77.1 - PUBLIC HEARING ON TENTATIVE MAP FOR A 6-UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 1301 CLAY STREET, LOT 1 IN ASSESSOR'S BLOCK 220.

Alec Bash, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which has a total area of 4,050 square feet. The property is zoned R-4 and is proposed to be rezoned to RM-2; and it is subject to a 240-D height and bulk district. The property is occupied by a 6-unit rental apartment building which was constructed in 1920. The owner was proposing to convert the six rental units into six condominium units. Present monthly rentals range from \$415.00 to \$550.00; and proposed sales prices would range from \$120,000 to \$140,000.

No one was present in the audience to address the Commission on this matter.

Robert Passmore, Planner V (Zoning), recommended that the condominium conversion subdivision be approved as consistent with the Master Plan subject to the following conditions:

- "1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
- "2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385(d) of the Subdivision Code.
- "3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385 (e), 1385 (f), and 1385 (g) of the Subdivision Code."

After discussion it was moved by Commissioner Finn, seconded by Commissioner Elliott, and carried unanimously that Resolution No. 7669 be adopted and that the proposed condominium conversion subdivision be approved as consistent with the Master Plan subject to the conditions which had been recommended by Mr. Passmore.

EE76.90 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED PARKING STRUCTURE FOR 475 AUTOMOBILES IN THE BLOCK BOUNDED BY THE EMBARCADERO AND MISSION, STEUART AND HOWARD STREETS.

Ralph Gigliello, Planner II, summarized the draft environmental impact report which had been prepared for the proposed project. He also read and commented on letters which had been received from the State Department of Transportation and the San Francisco Human Rights Commission.

The Commission then received and responded to comments made by members of the audience including Edward Kiel, attorney for the San Francisco Central City Parking Corporation; Larry Seeman of Leighton and Associates, Inc., authors of the preliminary draft environmental impact report; Stephen Dutton, an interested citizen; Nancy Lundgren of the Central City Committee; Norman Rolfe, of San Francisco Tomorrow; Peter Mendelsohn, President of Tenants and Owners in Opposition to Redevelopment (TOOR); and Rod Freebairn-Smith, a member of the Board of Directors of the adjacent YMCA facility.

At the conclusion of the public hearing, it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the public hearing be closed and that this matter be taken under advisement until the meeting of March 31, 1977.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

R77.10 - REVIEW OF EMBARCADERO/MISSION PARKING STRUCTURE FOR CONFORMANCE TO THE MASTER PLAN.

Since the draft environmental impact report for this project was not certified by the Commission, this matter was postponed until the meeting of March 31, 1977.

CU77.6 - PROPERTY IN THE BLOCK BOUNDED BY THE EMBARCADERO AND MISSION, STEUART AND HOWARD STREETS.
REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR A SEVEN-LEVEL, 475 SPACE PARKING FACILITY WITH 18,000 SQUARE FEET OF COMMERCIAL SPACE ON THE GROUND LEVEL; IN A C-3-0 DISTRICT.

Because of the public ownership aspects of this proposal, the conditional use application does not need to be considered. The Master Plan referral on this matter will be scheduled for consideration by the Commission during the meeting of March 31, 1977.

At 4:05 P.M. President Lau announced a ten minute recess. The Commission reconvened at 4:15 P.M. and proceeded with hearing of the remainder of the agenda.

R77.5 - REVOCABLE ENCROACHMENT PERMIT FOR A CRAB STAND AT 2766 TAYLOR STREET (A. SABELLA'S RESTAURANT).

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"The proposal is to install a crab stand in the sidewalk area opposite the entrance to A. Sabella's Restaurant, with a three-foot extension of the sidewalk to facilitate curbside transactions. The crab stand would be of sculpted wood, in the shape of a boat hull, with an overhead canopy, and was approved by the Art Commission on February 7, 1977. The restaurant presently has a plastic and metal sign overhanging the sidewalk at its lobby entrance, and the sidewalk width is 15-½ feet.

"The property is immediately south of Jefferson Street, to the north of which are numerous Fisherman's Wharf crab stands. The opposite side of Taylor Street includes a restaurant and a fast-food establishment which have canopies extending to the street curb line; the latter has tables and chairs in the sidewalk area.

"The Plan for the Northeastern Waterfront, a part of the Master Plan, calls for development of pedestrian-oriented uses in the Fisherman's Wharf area, and calls for use of materials and design which enhances the area's historic maritime character. The Urban Design Element of the Master Plan notes that many commercial areas have a semi-recreational aspect, and calls for improving pedestrian areas by providing human interest. It does call for an examination of any additions within street areas, however, with a view toward elimination and obscuring of distracting and unnecessary elements, in order to reduce clutter in the streets. The crab stand with its canopy would not be harmonious with the existing canopy and signing for the restaurant, and a design solution to integrate the crab stand with the restaurant would be desirable.

"The Plan for the Northeastern Waterfront calls for the extension of the cable car line on Taylor Street, designated a Transit Preferential Street of the Transportation Element, to a location north of Jefferson Street. The Interstaff Committee on Traffic and Transportation (ISCOTT) of the City has reviewed the proposal, and concluded that the three-foot sidewalk widening could adversely affect a future cable car extension. The existing sidewalk width, however, was considered adequate for both the crab stand and pedestrian passage with no sidewalk widening.

"Subject to the preceding discussion, and conditions that may be appropriate, the proposal would meet the criterion of Urban Design Element Conservation Policy No. 9 for the furtherance of the public values and purposes of streets, and would not violate any of the negative criteria. A revocable encroachment permit would be the least extensive and least permanent method for the release of such space, as required by Conservation Policy No. 10."

At the conclusion of his presentation Mr. Bash recommended that the granting of the subject revocable encroachment permit be approved as in conformity with the Master Plan providing that 1) prior to construction the Department of City Planning review and approve plans and scheduling for the installation of a canopy or awning on the existing building which would visually integrate the crab stand with the building and 2) the sidewalk be kept at its present width and not extended three feet as had been proposed.

No one was present in the audience to speak in opposition to this proposal.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that the granting of a revocable encroachment permit for a crab stand at 2766 Taylor

Street, as indicated on the plans entitled "A. Sabella's Crab Stand at Fisherman's Wharf" and dated December 30, 1976, is in conformity with the Master Plan provided that 1) prior to construction the Department of City Planning review and approve plans and scheduling for the installation of a canopy or awning on the existing building which would visually integrate the crab stand with the building, and 2) the sidewalk be kept at its present width and not extend three feet as had been proposed.

EE75.4 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT
FOR A PROPOSED CONCRETE RECYCLING AREA IN THE BLOCK
BOUNDED BY HAWES AND GRIFFITH STREETS AND BANCROFT
AND ARMSTRONG AVENUES.

Ralph Gigliello, Planner II, summarized the Draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received comments from members of the audience including Evert Heyneman, representing the San Francisco Housing Authority; Dr. Wellbron, a representative of the South Bayshore Community; Harold Madison, President of the Shafter Avenue Club; and Alec Picher, Coordinator of the Shafter Avenue Club.

At the conclusion of the public hearing, Robert Passmore, Planner V (Zoning), recommended the adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated February 24, 1977, concerning EE75.4, Solid Material Recycling Center, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will have a significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before acting on the project itself under CU75.20, does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report."

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7670.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

CU75.20 - THE BLOCK BOUNDED BY HAWES AND GRIFFITH STREETS AND BANCROFT AND ARMSTRONG AVENUES.
REQUEST FOR PLANNED UNIT DEVELOPMENT AUTHORIZATION
TO PERMIT A CONCRETE RECYCLING CENTER, A USE FIRST
PERMITTED IN AN M-2 (HEAVY INDUSTRIAL) ZONING DISTRICT,
ON AN ENTIRE CITY BLOCK IN AN M-1 (LIGHT INDUSTRIAL)
DISTRICT.

Robert Passmore, Planner V (Zoning), referred to the environmental impact report previously certified by the Commission to describe the presently vacant subject property that the applicant proposed for a recycling plant which would receive broken concrete, asphalt, and rock for reprocessing to aggregate. He indicated that apartments owned by the San Francisco Housing Authority occupy a hilltop overlooking the site from the west. Light industrial and manufacturing and warehousing activities exist to the north. A State park has been proposed to the south and east of the subject property. Although a concrete recycling center is a use which would first be permitted in an M-2 District, the City Planning Code provides that such a use which would be surrounded on all sides by designated city streets could be considered as a planned unit development in an M-1 District.

President Lau noted that several individuals had spoken during the public hearing on the Draft Environmental Impact Report for this project; and most of their comments had expressed opposition to the project. He asked for a show of hands of individuals present in the meeting room in opposition to the proposal, and approximately 20 individuals responded. He then asked for the staff recommendation on the proposal.

Mr. Passmore recommended that the application be disapproved because the proposed site is within view of a residential neighborhood and adjacent to a proposed State park and because the Environmental Impact Report for the project had indicated that certain significant unmitigatable impacts would result if the project were implemented.

President Lau noted that two individuals representing the applicant were present in support of the application.

After discussion it was moved by Commissioner Bierman and seconded by Commissioner Dearman that the application be disapproved.

Commissioner Dearman remarked that it was unfortunate that the applicant had gone through the expense of preparing an Environmental Impact Report only to have the project disapproved; and she felt that the applicant should have been encouraged to meet with residents of the subject neighborhood before

proceeding so far with the project.

Mr. Passmore stated that the staff had advised the applicant of the concerns shared by the Department of City Planning and residents of the neighborhood concerning the proposed project; but the applicant had elected to proceed even with that knowledge. The application could not be brought before the Commission for disapproval before the Environmental Impact Report for the project was certified.

Milton Schwartz, representing the Piombo Corporation, the applicant, stated that his firm had been working on the proposed project for three years; and, during that time, they had never been advised of any public opposition to the project. As a result, he was surprised that residents of the neighborhood had appeared in opposition to the proposal. He stated that his firm actually owns two adjacent blocks of property. One of the blocks would be used for the concrete recycling plant; and the other block would be reserved as a buffer zone between the recycling center and the nearest residential area which is located south of Carroll Avenue. He felt that construction of a concrete recycling center would be an asset for San Francisco; and he believed that the subject site would be a logical location for such a use. He indicated that a considerable amount of money had been spent for preparation of plans, for a soils report, and for preparation of the Environmental Impact Report; and he felt that it was unfair that the project should be disapproved after such expenditures had already been made.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7671 and to disapprove the subject application.

EE75.423 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT
FOR PROPOSED ADDITIONS TO THE RALPH K. DAVIES
MEDICAL CENTER (FRANKLIN HOSPITAL) IN BLOCK BOUNDED
BY CASTRO, NOE, AND FOURTEENTH STREETS AND DUBOCE
AVENUE.
(CONTINUED FROM MEETING OF FEBRUARY 3, 1977.)

Paul Rosetter, Planner II, summarized revisions to the Draft Environmental Impact Report and the summary of responses previously received and the staff's responses to those comments. He also summarized a letter which had been received from the San Francisco Comprehensive Health Planning Council regarding the proposed expansion of the medical center. At the conclusion of his presentation, he responded to questions raised by members of the Commission.

Commissioner Rosenblatt remarked that the letter from the San Francisco Comprehensive Health Planning Council raised questions relative to the issue of need which had been raised previously but which had not yet been answered satisfactorily; and, on the behalf of other members of the Commission, he asked that answers to those questions be provided in the Draft Environmental

Impact Report.

The Commission then received and responded to comments made by members of the audience including Harold Dobbs, Attorney for the Ralph K. Davies Medical Center; John Bardis, representing the Inner Sunset Action Committee; Wes Miller, a resident of the subject neighborhood; Peter Purcely, 85 Noe Street and a representative of five neighborhood organizations in the area; Sue Hestor, representing the San Francisco Comprehensive Health Planning Council; Thomas Mannley, representing the Developmental Disabilities Council of San Francisco, Inc.; Harvey Milk, a resident of the subject neighborhood; Diane Young, representing the Duboce Environmental Village Association; Dale Champion, President of the Buena Vista Neighborhood Association; Mary O'Hara, 219 Roosevelt Way; Calvin Welch, one of the individuals who had drafted the Mount Sutro Communities Institutional Master Plan; Mitchell Thomas, owner of property on Alpine Terrace; James McCarthy, representing Environmental Science Associates, authors of the Preliminary Draft Environmental Impact Report; Karen Apala, resident of property located across the street from the medical center; and Richard McCurdy, a resident of the area.

During the course of the public hearing, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

At the conclusion of the hearing, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the Commission's Regular Meeting on April 28, 1977.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, a court reporter was present and will prepare a transcript which will be available in the files of the Department of City Planning.

The meeting was adjourned at 7:15 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary



DEC 1977
MINUTES

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 3, 1977.

The City Planning Commission met pursuant to notice on Thursday, March 3, 1977, at 1:30 p.m. in Room 202, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, James J. Finn, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Wayne Rieke, Planner IV (Zoning); Charles Gill, City Planning Coordinator; Moira So, City Planning Coordinator; Jon Pon, Staff Assistant III; Robert Feldman, Planner II; Douglas Holmen, Planner II; Barbara Sahn, Environmental Analyst; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; George Snyder represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried unanimously that the minutes of the meetings of January 13, 19, and 27, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that data on work reviewed and completed by the Implementation Division of the Department of City Planning during February had not yet been tabulated.

The Director noted that the staff of the Department of City Planning had co-sponsored and participated in a conference on center-city development problems on Wednesday.

The Director reminded the Commission that the Mayor had scheduled a public hearing to be held at 7:00 that evening to receive comments on the budgets of various city departments including the Department of City Planning.

The Director advised the Commission that the Landmarks Preservation Advisory Board had recommended that the International Hotel meets the criteria of the National Register.

The Director noted that the Commission is scheduled to go on a field trip with representatives of the San Francisco Council of District Merchants Associations next Thursday at 12:00 noon.

The Director reported that the Board of Supervisors, meeting on Monday, had approved a resolution designating and describing a survey area in the Northeastern Waterfront. The Department of City Planning and the Redevelopment Agency staff are preparing a Memorandum of Understanding to clarify their respective responsibilities for this project. The Director indicated that the Board had also approved amendments to Article 31 of the Administrative Code concerning environmental review procedures.

The Director stated that the staff of the Department of City Planning had attended a meeting in the Ingleside District on the previous evening at which residents of the neighborhood had expressed interest in a voluntary rehabilitation option available under the State Neighborhood Preservation Program. The City will file an application for funds for such a program.

The Director requested that a meeting of the Budget and Personnel Committee of the Commission (Commissioners Rosenblatt, Dearman, Lau) be scheduled at 12:00 noon on Thursday, March 17, to review a draft of an Affirmative Action Program for the Department of City Planning.

The Director reported that he had participated in a San Francisco/San Mateo Conference on the previous Saturday. Water, airport and transportation issues were discussed.

The Director distributed copies of a Chinatown Neighborhood Improvement Plan -- a draft for citizen review -- which had been prepared by the Department of City Planning. The plan will be presented to the Commission during its regular meeting on March 17.

CONSIDERATION OF DRAFT RESOLUTION ENDORSING AND SUPPORTING THE REGIONAL HOUSING SUBSIDY DISTRIBUTION SYSTEM AND RECOMMENDING THAT THE BOARD OF SUPERVISORS AUTHORIZE THE ASSOCIATION OF BAY AREA GOVERNMENTS TO APPLY FOR FEDERAL HOUSING ASSISTANCE ON BEHALF OF THE CITY AND COUNTY OF SAN FRANCISCO.

Moira So, City Planning Coordinator, stated that the 1977 Housing Assistance Plan of San Francisco expresses a need for providing adequate housing to a total of 81,335 lower-income households and establishes the goal for the development or rehabilitation of 3,772 assisted housing units for 1977; however, the housing subsidy funds available to San Francisco in 1977 as announced by the Federal Department of Housing and Urban Development in mid December, 1976, would meet less than one-third of that housing goal. She stated that Federal Housing subsidies are distributed among the nine Bay Area Counties and their municipalities according to the Regional Housing Subsidy Distribution System which was developed and approved by the Association of Bay Area Governments' (ABAG) Executive Board on September 16, 1976; and she indicated that ABAG has the authority to apply for

additional Federal Housing Assistance on behalf of local governments which support and endorse the Regional System. Therefore, she recommended that a draft resolution be adopted by the Commission which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission endorses the Regional Housing Subsidy Distribution System and supports the ABAG application for federal housing assistance on behalf of the City & County of San Francisco; and

"BE IT FURTHER RESOLVED, That the City Planning Commission recommends that the Board of Supervisors support implementation of the goals and objective of ABAG's Regional Housing Subsidy Distribution System and urge ABAG to seek additional federal housing assistance on behalf of the City and County of San Francisco as Participating Jurisdiction."

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7672.

EE77.18 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED LAND USE CHANGES TO PROVIDE: (a) RECREATION FACILITIES, (b) SITE FOR POSSIBLE SOLIDS-HANDLING FACILITIES FOR THE SOUTHEAST WATER POLLUTION CONTROL PLANT, (c) SITES FOR RELOCATION OF A DRILL TRACK (RAIL LINE), AND (d) RELOCATION OF DRILL TRACKS: ON PROPERTIES LOCATED NEAR THE SOUTHEAST SEWAGE TREATMENT PLANT, AS FOLLOWS: ALL OR PORTIONS OF LOTS 12-15, 18 AND 26 IN ASSESSOR'S BLOCK 5313, LOT 1 IN ASSESSOR'S BLOCK 5304, LOT 1 IN ASSESSOR'S BLOCK 5281, LOTS 1A AND 5 IN ASSESSOR'S BLOCK 5262, LOT 13 IN ASSESSOR'S BLOCK 5250, LOT 1 IN ASSESSOR'S BLOCK 5232, AND ALL OF ASSESSOR'S BLOCK 5227.

Selina Bendix, Environmental Review Officer, summarized the Draft Environmental Impact Report and distributed a revised chapter on alternatives. She then responded to questions raised by members of the Commission.

The Commission then asked for comments from members of the audience and heard from John Kim, Economic Planner for the Bayview Hunters Point Non-Profit Community Development Corporation. No one else was present to speak on this matter.

Commissioner Starbuck was temporarily absent from the meeting room.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that the public hearing be closed and that this matter be taken under advisement until the meeting of March 10, 1977.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, a court reporter was present and will prepare a transcript of the proceedings which will be available in the files of the Department of City Planning.

At this point in the proceedings, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table. Commissioner Finn was temporarily absent from the meeting room.

CU76.30 - 2301-19th AVENUE, SOUTHWEST CORNER OF SANTIAGO STREET.
REQUEST FOR MODIFICATION OF CITY PLANNING COMMISSION RESOLUTION NO. 6780 TO ALLOW INDEFINITE CONTINUATION OF A NON-CONFORMING AUTOMOBILE SERVICE STATION AFTER MAY 2, 1980: IN AN R-3 AND PROPOSED RH-2 DISTRICT.
(CONTINUED FROM MEETING OF OCTOBER 7, 1976.)

Robert Passmore, Planner V (Zoning), stated that this matter has been heard on October 7, 1976, and had been under advisement until the present meeting with the expectation that new regulations relating to nonconforming uses would have been developed by the staff of the residential zoning study by this point in time. Unfortunately, the staff's work had not yet been completed; and, as a result, he recommended that this matter be continued under advisement until the meeting of May 5.

Clyde Mason, representing the applicant, stated that he would not object to the continuance if he could be assured that the case would still be considered separately from other non-conforming uses. Mr. Passmore replied that the Commission would consider the broader issue of non-conforming uses on a date other than May 5.

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the meeting of May 5, 1977.

CU77.7 - 762 - 45th AVENUE, EAST LINE, 200 FEET NORTH OF CABRILLO STREET.
REQUEST FOR AUTHORIZATION FOR EXPANSION OF AN EXISTING RESIDENTIAL CARE FACILITY FOR THE ELDERLY FROM 6 TO 10 PATIENTS; IN AN R-2 AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the applicant had requested that this application be withdrawn; and he recommended that the Commission adopt a resolution granting the request for withdrawal without prejudice.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7673 be adopted and that the request for withdrawal of the application be approved without prejudice to the application.

At this point in the proceedings, Commissioner Dearman arrived in the meeting room and assumed her seat at the Commission table. Commissioner Finn returned to the meeting and reassumed his seat at the Commission table.

CU77.8 - 450 LIBERTY STREET, NORTH LINE, 233 FEET WEST OF SANCHEZ STREET.
REQUEST FOR MODIFICATION OF A PLANNED UNIT DEVELOPMENT AUTHORIZATION TO ALLOW ADDITION OF TWO ROOMS ON A THIRD FLOOR OR AN EXISTING TOWNHOUSE TO A HEIGHT OF 32 FEET; IN A R-2 AND PROPOSED RH-1 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is part of a planned development which has an area of 32,200 square feet. The property is occupied by a one-family, three bedroom townhouse with a height of approximately 24 feet. The applicant proposed to add a third level with two rooms, a studio and fourth bedroom, with an oblique skylight facing Liberty Terrace. The new roofline would be 32 feet above the ground. When the planned development was authorized by the Commission in 1963, one of the conditions which was established specified that the development must be in general conformity with the plans which had been filed with the application at that time; and those plans indicated that the buildings would have a height of approximately 24 feet. Therefore, the proposed addition of the third level to the subject building would require modification of the previously granted conditional use authorization. In addition, under the proposed residential zoning standards initiated by the Commission on May 20, 1976, any construction above 30 feet in an RH-1 district is allowed only by conditional use authorization of the Commission.

Judith J. Payne, the applicant, stated that she and her husband had tried to find a larger house but had been unable to find one which they could afford; and, as a result they had decided to propose the addition of a partial third floor to their present home in order to accommodate their expanding family.

Robert Hersey, architect for the applicant, described the proposed addition to the building, indicating that it would have a sloping facade line in front and that the addition would be set back 13 feet from the rear building line. He also displayed and described charts which he had prepared to depict the shadow effect of the proposed addition and indicated that the addition would cause a somewhat larger shadow to be cast on 20th Street during the winter months.

Commissioner Starbuck noted that the parapet on the existing building would probably cast a shadow in any case. Mr. Hersey acknowledged that was the case and indicated that the shadow cast by the building addition would lengthen the shadow cast by the parapet by only one or two feet.

Commissioner Dearman remarked that the Commission had received a number of letters from residents of the neighborhood who seemed to feel that the proposed building addition would block a considerable amount of sunlight.

Mr. Hersey stated that he felt that residents of the neighborhood had misunderstood the height of the proposed building; and it was for that reason that he had undertaken to prepare the shadow diagrams. He indicated that the proposed addition would actually have a height of only 31 feet and not 32 feet as indicated on the Commission's agenda. Furthermore, it would be possible to reduce the height of the proposed addition to 30 feet; and, if that were done, the proposed addition would not need special authorization from the Commission under the interim residential zoning controls.

Commissioner Starbuck pointed out that any addition to the height of the building would still require Commission action modifying the conditions of the planned unit development authorization.

Audrey Rogers, 3732 21st Street, stated that residents of the neighborhood had worked since the late 1950's to insure the single family residential character of their area. In the early 1960's, the subject property was still occupied by a farm house; and residents of the neighborhood had hoped that the property could be acquired by the City for use as a park and a neighborhood center. However, in early 1963, the property had been purchased by a developer. The developer happened to be cooperative; and the project which had evolved had met the spirit and the letter of the conditions established by the Commission in granting planned development authorization for the project. She hoped that the Commission would not allow the character of the project to be jeopardized at this point in time.

Don Carter, 4071 - 20th St., stated that his family shares common garden space with another family; and he feared that the proposed building addition would subject the garden to more wind and that it would interfere with the privacy of the garden. He also believed that other property owners in the subdivision would be encouraged to seek authorization to add an extra floor to their buildings if the subject application were to be approved; and similar additions to the other buildings would certainly have an effect on wind conditions, shadows, and views.

Ellis Harris, 4042 - 20th Street, stated that the Dolores Heights neighborhood has a stable character; and he felt that the amenities which were originally insured for the subject development were important to the concept of neighborhood stability. He felt that the individuals who had purchased the property should have been aware of the restrictions which had been established by the City Planning Commission. The neighborhood is characterized by one-and two-story dwellings; and, if all of the 11 units in the subdivision were to be increased by one floor in height, the character of the neighborhood would be drastically changed. He noted that the applicants had stated on their application that other property owners in the subdivision had expressed interest in adding a floor to their buildings, also; and if the subject application were to be approved by the Commission, he felt that it would be difficult for the Commission to deny similar applications which might be filed by other property owners in the future. Therefore, he hoped that the application would be disapproved.

Dorice Murphy, a Director of the Eureka Valley Promotion Association, stated that her organization had adopted a resolution opposing the subject application on the basis that the proposed addition to the building would be out of character with the neighborhood and that it would violate the conditions which had been established by the Commission when the planned unit development was authorized.

Bill Shapiro, a planner by profession and a resident of 21st Street, stated that he would not be opposed to the proposed project if it would help to meet an over-riding social need. However, he felt that the project was being proposed by the applicants as a matter of convenience and that no special need was involved. Under such circumstances, he felt that the issue of paramount importance to the

Commission should be the impact of the proposed project on the neighborhood. Higher buildings do result in more shadows, less views, more wind, and higher property values and taxes; and, for those reasons, he felt that height limits are important and that variances should not be granted from them in the absence of over-riding social need. He emphasized that the planned development had been worked out with residents of the neighborhood; and he believed that granting of a height variance at this point in time would undermine the agreement which had previously been made. He remarked that people who had purchased properties in the subdivision would have known that the buildings were limited to a height of two stories, especially in view of the fact that approximately one-half of the owners of properties in the subdivision are attorneys. He believed that people should be able to rely on past agreements concerning the type of developments which can occur in the neighborhoods in which they live.

Commissioner Starbuck stated that the Commission had received letters from other property owners in the subdivision expressing support of the subject application and indicating an interest in undertaking similar additions to their homes. The Commission had also received a resolution in support of the proposal from the design committee of the Liberty Terrace Association.

Mrs. Payne acknowledged that one or two other property owners in the subdivision had indicated that they would like to construct similar additions to their homes; however, she did not feel that any of the other property owners have immediate plans for such additions. She stated that she and her husband have three children and constitute the largest family in Liberty Terrace; and she indicated that the additional rooms would provide a more comfortable living arrangement for the family.

Mr. Hersey emphasized that individuals who had spoken in opposition to the project had not been as much concerned about the proposed addition to the subject building as about the possibility that similar additions would be added to all of the other buildings in the subdivision; and he emphasized that the owners of the other buildings may never propose such additions. He remarked that the planned development authorization was granted by the Commission more than ten years ago; and he questioned whether the nature of a planned unit development authorization prohibits future changes.

Robert Feldman, Planner II, stated that any planned unit development authorization may be changed at any time through the conditional use process.

At this point in the proceedings, President Lau arrived in the meeting room and assumed the chair.

Mr. Hersey stated that he did not feel that the proposed project would in any way have a destructive effect on the character of the neighborhood; and he believed that growing families should have an opportunity to remain in a neighborhood if they so desire.

Commissioner Starbuck observed that the circumstances of the case before the

Commission were somewhat unusual in that some residents of the neighborhood had been involved in the planning for the subdivision from the start.

Silas O. Payne, Mrs. Payne's husband, stated that the proposed addition to the building would not block any views and it would not cast any major shadows. He emphasized that he and his wife were not requesting any zoning change; and he indicated that they had believed that the proposed additions would be within the current height limit for the property. He stated that he and his wife had looked for a new 4- bedroom home. The cheapest one that they had found would have cost \$185,000; and they have only \$60,000 equity in their present home. While he acknowledged that agreements which had been made should be kept, he emphasized that neighborhoods do evolve and that they should have the flexibility of changing to accommodate change. He did not feel that the Commission would want to take the position that families with more than two children should move out of the city; in that light, he hoped that the Commission would approve the subject application.

Kay Homsey, owner of an adjacent parcel of property, stated that it was true that the proposed addition would not affect the view from her home. However, she believed that the proposed addition would affect the privacy of her garden. Furthermore, she was concerned that approval of the subject application would set a precedent for the subdivision.

Mrs. Ellis Harris remarked that the proposed addition had been attractively designed; and she recognized that Mr. and Mrs. Payne do have a need for additional space. However, if similar additions were to be added to other buildings in the subdivision, the subdivision would take on the appearance of an apartment complex rather than a single-family complex.

Mrs. Payne stated that she had taken photographs from the roof of her house which indicated that adjacent gardens would not be visible from the proposed building addition.

Mr. Hersey stated that he had done a scale drawing which indicated that the addition of a partial third floor to the highest unit in the subdivision would not have a drastic effect on shadows because of the height of the existing parapet.

Rai Y. Okamoto, Director of Planning, felt that there should be a necessity of demolishing existing buildings and constructing new ones. One approach to that problem would be to find new areas where housing can be developed; but an alternate way would be to add additional floors to existing residential buildings. He remarked that the variety that characterizes San Francisco has resulted in large part from ad hoc development over a period of time. While the proposed addition to the subject building might have a somewhat troublesome effect on the neighborhood initially, he believed that it would not have a significant long-term impact on the neighborhood. He then called on Mr. Feldman to give the staff recommendation.

Mr. Feldman emphasized that the subject application related only to one specific parcel of property in the subdivision. The staff felt that the design of the proposed addition would be compatible with existing townhouses in the subdivision and would have a minimum effect on views from neighboring properties; and he

indicated that the Residence Element of the Master Plan encourages the improvement of the existing housing stock as would be accomplished by the proposed building addition which would make the building more desirable for family-type housing. Therefore, he recommended that the application be approved subject to condition' specifying that the authorization would apply only to the subject property and that the building addition should be constructed in general conformity with the plans which had been submitted.

Commissioner Bierman, after determining that the other houses in the subdivision have only three bedrooms, indicated that she expected that other property owners would inevitably want to add on to their buildings in the future. She believed that such additions would have a detrimental effect on the neighborhood; and, in addition, they would remove the existing houses from the price range of people who need three-bedroom units. While she was sympathetic with the problem of having two children sharing a room, she did not feel that such circumstances could be considered to be oppressive. She felt that Liberty Terrace is a singularly attractive subdivision; and she believed that the proposed addition to the subject building would cause that building to be out of scale with others in the subdivision. For those reasons, she intended to vote against the application.

Commissioner Dearman remarked that she was having difficulty reaching a decision on this matter but that she tended towards the option of disapproving the application. She stated that she has four children and only three bedrooms; but she observed that children grow up quickly. The subject subdivision is a very attractive place at the present time; and she felt that the existing character of development should be preserved. She noted that a number of residents of the neighborhood had taken the time to come to the Commission's meeting in opposition to the proposal; and she felt that the concerns which they had expressed were important. Finally, she did not regard the matter of providing an extra bedroom for the applicants as a matter of over-riding social concern.

Commissioner Finn stated that he was sympathetic to the applicant's desire to expand their home; and he did not wish to take any action which would have the effect of driving families out of San Francisco. However, he did not see how it would be possible for the Commission to approve the subject application but to deny similar applications from other property owners in the subdivision. He indicated that his own home is in a subdivision which has restrictions on building additions; and, as a result he did not feel that such restrictions are unusual.

Commissioner Bierman moved that the subject application be disapproved. The motion was seconded by Commissioner Starbuck.

Commissioner Starbuck acknowledged that the conditional use authorization for the subject subdivision had been granted more than ten years ago. However, he did not feel that circumstances in the area have changed a great deal during that time; and he believed that the neighborhood concerns which had influenced the design of development at that time were still pertinent. Although other residents of Liberty Terrace had supported the subject application, he believed that those individuals should also respect the rights of other people who live in the neighborhood and who were involved in the design of the Liberty Terrace subdivision.

Since the staff of the Department of City Planning did not have a draft resolution of disapproval for consideration by the Commission, Commissioners Bierman and Starbuck changed their motion and second to provide that the Commission would express its intention to disapprove the subject application at its meeting on March 10, 1977, and to request the staff of the Department of City Planning to prepare a draft resolution of disapproval for consideration during that meeting.

When the question was called, the Commission voted unanimously to express its intention to disapprove the application during the meeting of March 10, 1977 and to request the staff of the Department of City Planning to prepare a draft resolution of disapproval for consideration at that time.

At 3:45 P.M. President Lau announced a ten-minute recess. The Commission reconvened at 3:55 P.M. and proceeded with hearing the remainder of the agenda.

DR77.3 - 614 - 5TH AVENUE, EAST LINE, 75 FEET SOUTH OF BALBOA STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION
TO CONSTRUCT A TWO-UNIT BUILDING WITH A HEIGHT OF 39 FEET; IN
AN R-2 AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet along 5th Avenue and a depth of 95 feet for a total area of 2,375 square feet. The property is presently vacant and is used for parking without authorization. Under the proposed RH-2 standards initiated by the Commission on May 20, 1976 applicable to the subject property, a building may be 30 feet high as a matter of right and may go to 40 feet with conditional use authorization by the Commission. However, until those standards are formally enacted, the Commission is taking such matters under discretionary review with notice of public hearing being given as in conditional use cases. Since the applicant proposed to construct a two-family dwelling on the property to a height of 39 feet, the matter had been brought before the Commission for discretionary review.

Ted C. Cheong, the applicant, stated that most of the new apartment buildings in the Richmond district have a height of 40 feet; and, as a result, the proposed building would be similar to other buildings which have been constructed in the area. He advised the Commission that the top floor of the building would be set back from the facade line by 16 feet; and, as a result, the building would have no effect on air, sunlight, or views enjoyed from adjacent buildings. He stated that there is a building directly across the street from the subject property which has a height greater than that being proposed for the new building; and, in addition, a four unit building with a height of 40 feet exists one lot away from the subject site.

Commissioner Bierman inquired about the prevailing height of buildings in the neighborhood. Mr. Passmore replied that most of the buildings in the area have a height of approximately 30 feet; however, there are some apartment buildings in the area with a height of 40 feet. He recommended that the application

be approved subject to three specific conditions which were contained in a draft resolution which has been prepared for consideration by the Commission. He then summarized the conditions, noting that Condition No. 2 would provide that the easement and passageway along the north property line of the subject property shall be used for emergency use only from the Harbin Restaurant and shall not be for routine use of customers and service personnel of the restaurant.

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7674 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

DR77.10 - 2045 AND 2055 FILBERT STREET, SOUTH LINE, 165 FEET EAST OF WEBSTER STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR A THREE-UNIT BUILDING ON A LOT OF 4,812 SQUARE FEET IN AN R-3 AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which consists of two lots. One of the lots is vacant and the other lot is occupied by a Victorian house and garden which are presently in a state of disrepair. The applicant proposed to construct two 30 foot high residential buildings on the lots. One of the buildings would contain two units and the other building would contain three units. Under the RH-2 interim zoning standards adopted by the Commission on May 20, 1976, a two unit building would be a permitted use on each of the lots. Additional units could be allowed where the density on a lot does not exceed 1,500 square feet of lot area for each unit subject to conditional use authorization by the Commission. However, until those interim zoning controls are formally enacted, the Commission is considering such matters under its discretionary review authority with notice of public hearing being given as in conditional use cases. The applicant was proposing a three unit building for Lot 27 in Assessor's Block 532 as that lot has more than 4,500 square feet of lot area.

Michael Elsner, Architectural Chairman for the Golden Gate Valley Neighborhood Association, stated that he was somewhat concerned about the application because it would result in the loss of a rather nice Victorian building. Although that building is run-down at the present time, he believed that it could be renovated and preserved. He was also concerned about the quality of new apartment buildings which are being built in San Francisco; and he felt that the architectural character of the subject neighborhood should be preserved. He indicated, however, that he had not seen renderings of the proposed buildings.

Con Hagen, the applicant, stated that he had constructed an apartment building one block away from the subject site; and he indicated that residents of the neighborhood had been pleased with that building. He stated that he did not have the financial resources to rehabilitate and maintain the existing Victorian building. He remarked that the proposed buildings would conform to the existing zoning of the properties; and he advised the Commission that an adjacent lot is developed with an

apartment building with 24 dwelling units.

Gisela Lloyd, representing the owner of the subject property, stated that the Victorian building needs a great deal of work. Her client had estimated that the repair work would have cost more than 30,000 dollars between 10 and 20 years ago; and he had no interest in renovating the building.

Charles Giampaoli, owner of an adjacent parcel of property, stated that he was concerned about the parking problem in the subject neighborhood; however, he felt that it would be desirable to have new development on the subject properties which are presently "rat-infested".

Mr. Passmore recommended that the subject applications be approved subject to a condition that the proposed buildings be constructed in general conformity with the plans which had been submitted.

After discussion it was moved by Commissioner Finn, seconded by Commissioner Elliott, and carried unanimously that Resolution No. 7675 be adopted and that the building permit applications be approved subject to the condition which had been recommended by Mr. Passmore.

DR77.11 - ROME STREET, EAST LINE, 237 FEET NORTH OF CAYUGA AVENUE.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR ONE THREE-UNIT BUILDING ON A LOT OF 12,330 SQUARE FEET; IN AN R-1 AND PROPOSED RH-1 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 40 feet on Rome Street and a total area of 12,330 square feet. The applicant proposed to construct a three-unit building with each unit having two bedrooms and its own entrance. Under the interim RH-1 density standards which were initiated by the Commission on May 20, 1976, the property could be developed with a single-family house or, with conditional use authorization from the Commission up to three units could be developed having a density not exceeding one dwelling unit for each 3,000 square feet of lot area. Prior to initiation of RH-1 zoning for the subject neighborhood the R-1 zoning standards applicable to the property allowed up to one unit for each 3,000 square feet of lot area without conditional use authorization or a limit on the total number of units; thus a four unit building could have been constructed on the property prior to May 20, 1976. Until the interim density standards are formally enacted, the Commission is considering proposal for more than one dwelling unit on RH-1 property under its discretionary review authority with notice of public hearing being given as in conditional use cases.

Anna Sonne, 200 Ottawa Avenue, stated that she had lived in the subject neighborhood for 39 years; and she emphasized that the neighborhood has always had a single-family residential character. She felt that construction of an apartment building on the subject property would constitute a change in the character of the neighborhood and would establish a precedent. She advised the Commission that many residents of the area had not received notices of the Commission's hearing; and

notices were not posted on utility poles in the area. Therefore, she requested that the matter be continued and that notices be sent to property owners in the area.

Commissioner Starbuck observed that a utility pole directly across the street from the subject site was posted with a notice of the hearing when the Commission took a field trip to the property.

Commissioner Finn asked how many notices of the hearing had been mailed. Mr. Passmore replied that approximately 75 notices had been mailed.

Other residents of the neighborhood who were present in the audience stated that they had not received notices of the hearing.

Commissioner Bierman suggested that the hearing should be continued. She also requested residents of the neighborhood to review the plans for the proposed development during the interim. She remarked that the proposed dwelling units would have the appearance of single-family houses.

Mrs. Sonne remarked that she still objected to the proposed development because the dwelling units would only have a width of 25 feet and would have "party walls". Furthermore, the proposed residences had been designed as rental units and not an owner occupied houses.

Harold Dow, architect for the applicant, stated that the subject property had once been part of the largest parcel of land in the area which was to have been the site of seven houses; however, a portion of the property had been acquired by the State. The remaining portion of the property has only limited access from Rome Street; and, as a result, the alternatives available for development of the site were limited. He stated that his client had originally proposed to construct four dwelling units on the property, however, after a meeting with residents of the neighborhood, the number of units had been reduced to three. Residents of the neighborhood had also objected to a proposal for two levels of living space above the garages; and, as a result, the plans had been revised to call for only one floor of living space above the garages. Residents of the neighborhood had also expressed a preference for plaster facades for the buildings.

Mr. Passmore asked the applicant's representative if the proposed units were to be rented or sold. Mr. Dow replied that one of the units would be occupied by the owner while the other two might be rented.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Finn, and carried unanimously that this matter be continued until the Commission's meeting on March 24, 1977.

DR77.12 - 145 CARMEL STREET, SOUTH LINE, 100 FEET EAST OF SHRADER STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION
FOR A THREE-UNIT BUILDING WITH A HEIGHT OF 33 FEET ON A LOT OF
4,500 SQUARE FEET; IN AN R-2 AND PROPOSED RH-2 DISTRICT.

Commissioner Bierman stated that she owns property within a 300 foot radius of the subject site; and, acting on the advice of the City Attorney, she re-

requested permission to abstain from participation in the Commission's deliberation on this matter. It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that Commissioner Bierman be allowed to abstain from participation in the Commission's deliberation on this matter. Commissioner Finn was absent from the meeting room when the vote was taken.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is currently a portion of a larger lot. The applicant proposed to subdivide his 22,500 square foot property to create a new interior lot with an area of 4500 square feet, and build a three unit dwelling and car port for three cars on the new lot. The new lot would have vehicular access from Carmel Street by way of the driveway for an existing 12 unit, two building apartment complex known as Ponderosa Pines. Under RH-2 interim density standards initiated by the Commission on May 20, 1976, a two-unit building could be constructed on a lot as a matter of right and additional units under a standard of one-unit for each 1500 square feet of lot area could be authorized by the Commission through the conditional use procedure. However, until the interim density standards are formally enacted, the Commission is taking such matters under discretionary review with notice of public hearing being given as in conditional use cases. Since the proposed lot would contain 4500 square feet of lot area, three dwelling units could be authorized on the property by the Commission. In conclusion, Mr. Passmore stated that the Zoning Administrator had held a hearing in October for a variance from the rear yard standards of the City Planning Code for the proposed project; however, no action had been taken on that matter pending a decision on the matter presently before the Commission.

Thomas G. Ellis, owner of the subject property, stated that he had previously lived on Stanyan Street; however, after his neighbor had expanded his house into his rear yard and destroyed his view, he had purchased the property occupied by the Ponderosa Pines apartment complex. He stated that he was not a speculator; and he indicated that the property had been placed in trust for his children. Approximately one year ago, he had purchased an adjacent lot and had merged it with the Ponderosa Pines property; and he now wished to resubdivide the property again and to proceed with construction of the proposed three-unit building. He stated that it is not his intention to block anyone's view or to detract from the sense of open space in the neighborhood. He had approached a number of residents of the neighborhood to explain his proposal; but individuals who were opposed to the project had taken a position that no development whatsoever should occur on the property. However, as owner of the property, he felt that he should have a right to enjoy the best reasonable use of his land. He hoped that the subject application would be approved by the Commission.

Al Lanier, architect for the applicant, stated that he had been opposed to construction of the Ponderosa Pines complex when that project was proposed. However, that project is now a part of the neighborhood. While the area south of the subject property is zoned for single-family detached residences, the subject property and properties to the north are zoned RH-2. Under that zoning standard, two dwelling units with a height of 30 feet could automatically be built on the subject property without the approval of the Commission. A third dwelling unit could be built if approved by the Commission. He indicated that approximately 42 percent of the land area in the subject block and adjacent blocks is covered by buildings; but even if the proposed project were to be constructed, the property owned by the applicant would have a coverage of only 29 percent. The subject block has, in addition to the Ponderosa Pines complex, one six-unit apartment building and three two-unit buildings; and, as a result, the neighborhood is not entirely single-family in character. He displayed a photograph of the subject property, indicating the proposed location of the new buildings and indicated that the new buildings would not disturb any of the major trees in the area because they are on adjacent properties. He noted that the proposed project had been in the planning stages for one year; and he hoped that the Commission would approve the application.

President Lau asked for a show of hands of individuals present in the audience in support of the subject application and in opposition to it. One individual indicated support of the proposal and approximately 30 individuals raised their hands in opposition.

President Lau then observed that members of the Commission had taken a field trip to the subject site; and he asked if the staff were prepared to make a recommendation on the subject application. Rai Y. Okamoto, Director of Planning, asked if the applicant and his architect would be willing to consider alternate placement of the proposed buildings on the property. Mr. Lanier replied that alternate configurations had been considered but were found to be unworkable given the fact that the building site will actually be on a lot which is separate from the lot occupied by the Ponderosa Pines complex.

Mr. Passmore, stated that Department had prepared a draft resolution for disapproval and he submitted this to the Commission; however, he then observed that the building site was currently part of the lot occupied by the Ponderosa Pines complex; and, in view of that circumstance, each of the three proposed dwelling units would have to be specifically approved by the Commission. However, if the property were resubdivided and the proposed building site were a separate lot, two dwelling units could be constructed on it without authorization from the Commission while the third dwelling unit would require authorization from the Commission. He stated that he did not know if it would be legally possible for the applicant to resubdivide the property at this point in time given the existing development on the site; and he indicated that he would like to discuss this matter with the City Attorney's office.

Mr. Federlee, a property owner on Shrader Street, stated that a number of apartment buildings have been constructed in the neighborhood; and, as a result, he did not understand how anyone could make an argument against the applicant's proposal. While he would be opposed to having any major new building constructed in the area

in the future, he did not feel that the buildings which the applicant proposed to construct would have a significant impact on the neighborhood.

Randall Nathan, a member of the States Street Association, stated that residents of his neighborhood were facing a similar development problem which had not been satisfactorily resolved; and he urged the Commission to consider the effect which the proposed project would have on properties immediately adjacent to the subject site.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

It was moved by Commissioner Dearman, and seconded by Commissioner Starbuck that the subject building permit applications be disapproved.

Commissioner Finn observed that it had always been the policy of the Commission to encourage applicants and neighborhood residents to meet together to see if a compromise could be effected; and he asked if the staff felt that a compromise would be possible in the present instance. Mr. Passmore stated that opposition to the project had been expressed at the variance hearing which had been held in October; however, that testimony had not been sufficient to enable him to predict whether the neighborhood would be willing to accept a different development scheme. However, in view of the fact that the nature of the action before the Commission for consideration would be different if the lot split cannot be effected, he felt that it would be desirable for the Commission to seek legal opinion from the City Attorney before taking action on the matter.

Commissioners Dearman and Starbuck withdrew their motion and second, indicating that they agreed that an opinion should be solicited from the City Attorney.

President Lau asked if residents of the neighborhood could request the Commission to conduct a discretionary review of the building permit applications for the two-dwelling units which would otherwise be automatically permitted on the property if the building site does become a separate lot. Mr. Passmore replied in the affirmative.

Mr. Lanier stated that a great deal of time and money had been spent on the project; and, if the Commission were to take action to disapprove the third proposed dwelling unit, he hoped that the Commission would also give some indication of what type of development would be permitted on the property. If no development whatsoever were to be permitted, he felt that such an action would amount to inverse condemnation of the property.

A member of the audience asked why no environmental impact report had been prepared for the proposed project. Mr. Passmore stated that a Negative Declaration had been issued for the project on October 15, 1976, and had not been appealed. He then read the statement of reasons cited by the staff on the Negative Declaration to support its findings that the project could not have a significant effect on the environment.

Mrs. Crawford, a resident of the neighborhood, remarked that individuals who

were present in opposition to the proposal had not really had an opportunity to address the Commission; and she wished to emphasize that the proposed building site is unique in that it would be an interior lot with a ten foot wide access driveway from Carmel Street.

Mr. Passmore stated that interior lots may be developed if the development meets the standards of the various City Codes.

Mrs. Crawford then stated that she had had informal conversations with the Fire Department about the property; and the Fire Department representatives with whom she had discussed the matter had indicated that the proposed project might pose some fire hazards.

Mr. Lanier stated that he had also discussed the proposal with representatives of the Fire Department who had indicated that they saw no problem with the proposal.

President Lau asked the staff to discuss the matter with representatives of the Fire Department.

Mrs. Crawford requested that the Department seek a written statement from the Fire Department on the issue.

After further discussion, it was moved by Commissioner Finn, seconded by Commissioner Dearman, and carried unanimously that this matter be continued until the Commission's meeting on April 7, 1977. The Commission also requested the staff of the Department of City Planning to solicit written opinions from the City Attorney and from the Fire Department regarding issues which had been raised during the course of the hearing.

At 5:20 P.M. President Lau announced a ten-minute recess. The Commission reconvened at 5:30 P.M. and proceeded with hearing of the remainder of the agenda. Commissioner Bierman returned to the meeting room and reassumed her seat at the Commission table. Commissioner Finn was temporarily absent from the meeting room.

DR76.30 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 459553
FOR CONSTRUCTION OF AN APARTMENT BUILDING AT 326 - 12TH AVENUE.
(CONTINUED FROM MEETING OF FEBRUARY 3, 1977.)

Robert Passmore, Planner V (Zoning), stated that this matter had originally been calendared for consideration in October, 1976, but had been continued at the request of individuals who had hoped to find a means of preserving the building which presently occupies the property. The matter had been recalendared on February 3, 1977, but had been postponed on that date at the request of the applicant.

President Lau, noting that the Commission had received extensive testimony on this matter during the October hearing, asked if circumstances had changed during the interim. Mr. Passmore replied that he was not aware of any substantial changes in the circumstances of the case.

Spiro Skalera stated that neighborhoods become less desirable to live in as new apartment buildings replace traditional residential structures; and he did not feel that the Commission's review process adequately takes into consideration the cumulative effect of such buildings. He stated that petition had been signed by 250 residents of the Richmond District who were opposed to the type of building which the applicant proposed to construct on the subject property. An effort had been made to find a prospective purchaser for the site who would be willing to preserve the existing building; but that effort had been hampered by the fact that the property had not been placed on the Multiple Listing Service. He stated that three bids had been made on the property, one in the amount of \$147,000; but all of them had been turned down by the owner. One of the bidders, Jonathan Bulkley, had written a letter to the Commission, as follows:

"I would like to ask your help in the preservation of a charming and attractive shingled house in the Richmond District.

"I feel it is of great value to the neighborhood and the ancient trees that surround it create a green oasis on an otherwise bleak street.

"The owner wants to wreck it and put up yet another faceless apartment block obliterating forever a piece of our heritage.

"On behalf of the Planning Association for the Richmond, we made an offer for the property which would have recompensed the owner for all his costs and expenses plus some profit.

"Since that time, he has received much higher offers, which would give him a handsome profit and save the building. These offers are at least double the value for a vacant lot.

"At this point, it appears that he is simply trying to the neighborhood. He is certainly not acting in his own economic best interest."

Mr. Skalera stated that he did not feel that every means of obtaining landmark designation for the existing building had been exhausted; and, although the matter had been before the Commission for a considerable period of time, he noted that opponents of the proposed project had not been responsible for all of the delay. He urged that residents of the neighborhood be given additional time to find a prospective purchaser for the property. He also remarked that the property has a large tree which provides a considerable amount of the foliage available in the block; and, given the development plans which had been prepared by the applicant, he felt that it would be difficult to preserve that tree. In conclusion, he again requested the Commission to continue this matter under advisement.

Clarence Moy, representing the applicant, noted that the Commission, at the conclusion of the October hearing of this matter, had requested the Landmarks Preservation Advisory Board to comment upon the existing building's qualifications

for landmark status. Subsequently, the Landmarks Preservation Advisory Board had considered the matter; and that Board had determined that the building did not qualify for landmark status either in terms of its architectural quality or its history. The Board had stated that it would consider any additional information which could be provided by interested parties. However, more than 4½ months had elapsed since the matter was first considered by the City Planning Commission; and no additional information had been submitted to the Landmarks Preservation Advisory Board. As a result, he felt that action on the building permit application had been delayed long enough. He confirmed that three offers had been made on the property in the amounts of \$80,000, \$145,000, and \$147,000. The \$80,000 offer had not been firm; and neither of the individuals making the other bids had indicated how they proposed to use the property. He remarked that the existing building is in a poor state of repair; and, even if someone should purchase the property with the intention of restoring the building, that project might prove to be infeasible. If so, the issue of developing the property would probably be back before the Commission in the future. Under the circumstances, he urged that the subject building permit application be approved.

Mr. Skalera urged that the Commission continue this matter so that interested individuals would have an opportunity to obtain more accurate information regarding the history of the existing building. In addition, a further continuance would provide additional time to find someone who might be interested in buying the property and restoring the building.

Commissioner Rosenblatt asked Mr. Skalera how he had become involved in the case. Mr. Skalera replied that he had been asked to serve as counsel for residents on 12th Avenue; but he was also appearing before the Commission as a resident of the Richmond District.

Commissioner Bierman observed that no one could force the owner of the property to sell if he did not wish to do so. However, if the property were to be sold, she asked if a deed restriction could be imposed which would require that the existing building be restored. Mr. Passmore replied in the affirmative.

Mr. Moy replied that it might be possible to require that the building be restored; however, he felt that there would be no feasible way of assuring that the building would be maintained after being restored. He remarked that wooden structures are subject to decay and rising fire insurance rates; and, as a result, he predicted that the building would eventually become economically infeasible to maintain.

Ms. Pursley, 318 - 12th Avenue, remarked that it is difficult to find prospective buyers for a property when the property is not carried on the Multiple Listing Service. She also stated that residents of the neighborhood had been under the impression that they had to provide the Landmarks Preservation Advisory Board with information relating to the existing building prior to the turn of the century; however, in view of the fact that many records were lost during the earthquake and fire of 1906, that had proven to be a difficult task.

Mr. Passmore recommended that the building permit application be approved subject to a condition which read as follows: "That the final plans substantially comply with the plans as revised and marked 'Exhibit A' which provide for the retention of the palm tree presently existing in the front of the subject lot and show other landscaping."

President Lau stated that his law firm was not representing the applicant in the present instance; however, since the firm had represented Mr. Chi in the past, he requested permission to abstain from voting on this matter. It was moved by Commissioner Finn, seconded by Commissioner Dearman and carried unanimously that President Lau be allowed to abstain from voting on this matter.

Subsequently, it was moved by Commissioner Finn, and seconded by Commissioner Starbuck that the building permit application be approved subject to the condition which had been recommended by Mr. Passmore.

Commissioner Starbuck remarked that the owner of the property might realize a tax advantage in preserving the existing building if it came anywhere close to qualifying for landmark status. However, the matter had been thoroughly reviewed by the Landmarks Preservation Advisory Board; and sentiment of that Board seemed to be that it was extremely unlikely that any additional evidence could be submitted which would convince the Board that the building should be declared a Landmark. As the Commission's liaison to the Landmarks Preservation Advisory Board, his feeling was that further efforts to obtain designation of the building as a Landmark would be futile.

Commissioner Finn stated that he did not feel that the existing building has any special merit. While he was concerned about the impact of the proposed project on the neighborhood, he believed that the applicant had made an effort to save the existing trees on the site; and he felt that the Commission should be careful not to take any action which would deprive a property owner of his property rights.

Dick Pursley, 318 - 12th Avenue, agreed that property owners should not be deprived of their property rights. However, he emphasized that the subject property provides some of the last remaining greenery in the subject block which has many apartment houses already; and he did not feel that the plans which had been prepared by the applicant would make it possible to retain the trees. He stated that he had purchased his property two years ago; and he remarked that he might not have bought it if he had known that the existing building on the subject property would be torn down.

Commissioner Bierman stated that she would vote for the motion with regrets. She had hoped that the owner of the property would be willing to sell it to someone who would be willing to restore the existing building. However, it appeared that the owner did not wish sell. The proposed project would conform with both the R-3 zoning of the property and with the interim R-M-1 zoning which was initiated by the Commission on May 20, 1976; and, as a result, the project would require no variances from the Commission. She remarked that any action taken by the Commission could be

appealed; and she did not feel that the Commission had sufficient grounds to disapprove the application or to hold up the project any longer.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7676 and to approve the building permit application subject to the condition which had been recommended by Mr. Passmore. Having received the permission of the members of the Commission President Lau abstained from voting on this matter.

DR77.13 - 1026 VALLEJO STREET, NORTH LINE, 114.2 FEET WEST OF TAYLOR STREET AND 961 GREEN STREET, SOUTH LINE, 200 FEET WEST OF TAYLOR STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR TWO SEVEN-UNIT BUILDINGS, THE ONE FRONTING ON VALLEJO STREET TO BE 40 FEET IN HEIGHT ON A LOT OF 11,674 SQUARE FEET: IN AN R-4 AND PROPOSED RH-2 DISTRICT.

Putnam Livermore, the applicant, noted that a number of residents of the neighborhood had requested that this matter be postponed so that they would have additional time to familiarize themselves with the proposed project; and he indicated that he would be amenable to a postponement. He also remarked that a model is being prepared of the proposed project and will not be ready until late March; and, therefore, he suggested that the matter should be postponed until late March or early April.

President Lau asked if anyone were present in the audience who would object to the postponement and received a negative response.

After further discussion it was moved by Commissioner Finn, seconded by Commissioner Dearman and carried unanimously that consideration of this matter be postponed until the Commission's meeting on April 7, 1977. Mr. Passmore noted that the proposed project also involved a variance application which had been heard by the Zoning Administrator and which had been taken under advisement until the Commission's discretionary review of the project had been completed. He indicated that the variance application would be continued under advisement until April 7, also.

DR77.14 - 2450 CALIFORNIA STREET, NORTH LINE, 106.25 FEET EAST OF STEINER STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR A RETAIL PLANT NURSERY IN A C-2 AND PROPOSED R-C-1 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has 99 feet of frontage on California Street and a total area of 13,117.5 square feet. The property is presently vacant. The applicant proposed to develop the property as a retail plant nursery with a ten foot high fence and a two foot wide planter strip across the front of the property,

a 364 square foot enclosed sales shed, and 4 off-street parking spaces. Under the R-C-1 interim residential zoning standards initiated by the Commission on May 20, 1976 applicable to the subject property, a retail plant nursery may be allowed only with conditional use authorization from the Commission. However, until those standards are formally enacted, such matters are being reviewed by the Commission under its discretionary authority with notice being given as in conditional use cases.

President Lau asked if anyone were present in the audience in opposition to the subject application and received a negative response. He then asked for the staff recommendation on the matter.

Mr. Passmore recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Finn, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7677 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

ZT77.1 -PUBLIC HEARING ON A PROPOSED ORDINANCE TO AMEND SECTION 221 OF THE CITY PLANNING CODE, AND OTHER SECTIONS AS NECESSARY, TO RESTRICT THE LOCATION OF ADULT BOOKSTORES AND ADULT THEATERS, WITH RESTRICTIONS INCLUDING BUT NOT NECESSARILY LIMITED TO A REQUIREMENT THAT ALL SUCH ENTERPRISES BE ON PREMISES NOT LESS THAN 1,000 FEET FROM ANY RESIDENTIAL ZONING DISTRICT, AND A REQUIREMENT THAT EACH SUCH ENTERPRISE BE LOCATED NOT LESS THAN 500 FEET FROM ANY OTHER SUCH ENTERPRISE. INITIATED BY BOARD OF SUPERVISORS. (UNDER ADVISEMENT FROM MEETING OF FEBRUARY 10, 1977.)

Peter Svirskey, Planner V (Zoning), distributed copies of a memorandum dated March 3, 1977, which opened with a description of the proposal before the Commission, repeating information presented orally to the Commission during its hearing on February 10. He then read from the March 3 memorandum as follows:

" Analysis

" In the hearing before the Commission and a committee of the Board of Supervisors, and in other meetings and discussions, a number of observations have been made as to the intent and effects of this proposed ordinance. The following is a summary of observations that may be relevant to a recommendation by this Commission."

" Nature of the Regulations

" The proposed ordinance has not been designed to implement moral judge-

ments, nor to censor the content of expression, nor to drive adult entertainment establishments out of the city. The expressed purpose is to regulate these establishments in certain ways so that they will not be offensive to the general public, especially in residential parts of the city.

"In view of this purpose, the draft ordinance has sought to confine the establishments as to location and limit their external effects by use of objective criteria. Such criteria would avoid the subjective judgements and possible inequities that could result from a case-by-case review of individual establishments.

"Distance from Residential Areas

"The most important requirement of this ordinance is that adult entertainment establishments be a minimum distance from areas zoned for residential use. The 1,000-foot distance is equivalent to roughly two blocks in many areas. On this basis, the establishments could not be located on any of the outlying shopping streets of the city, and the configuration of residential zoning, both present and proposed, would confine the establishments to parts of downtown and to heavy commercial and industrial areas.

"This requirement has a number of significant results. First, the areas of existing adult entertainment -- principally Broadway and the Tenderloin -- would be off limits to those activities in the future. Second, because San Francisco is small in area and because its major business and industrial sections are so concentrated, the distance requirement results affirmatively in a quite distinct zone for adult entertainment. Third, and finally, many parts of this distinct zone are questionable as future locations for significant amounts of this type of activity. One such area is Market Street, where public and private efforts have been made to improve the quality of the street and its activities. South of Market, and further south near Third Street, existing commercial, industrial and even residential uses might be adversely affected by adult entertainment, and potential re-use of these areas could also be affected. For these reasons, concern has been expressed with regard to the 1,000-foot distance requirement.

"Distance from Similar Uses

"In order to address the problem of potential concentration of adult entertainment in new areas, the proposed ordinance also has a dispersal requirement: each establishment would have to be not less than 500 feet from any other adult entertainment establishment. This requirement would limit the activities to perhaps one per block in the permitted areas.

"A requirement of this type could add to the task of administering and enforcing the ordinance. As each application for a new establishment was reviewed, an evaluation would have to be made to determine the distance to other establishments, as well as the character of other businesses in the vicinity that might potentially be classified as adult entertainment establishments. Presumably this evaluation would be carried out on the basis of a map on which all permit locations were plotted as permits were issued; and with effective enforcement of the Police Code such a map could be maintained for zoning review."

"Retroactivity of Distance Requirements"

"The two distance requirements by themselves would not be expected to bring about a rapid change in the locations of adult entertainment. The ordinance also provides, however, in its Police Code provisions, that existing establishments must comply within one, or at most three, years with all the requirements, including location. It is this retroactivity that would displace the existing businesses and cause adult entertainment to be located in new areas.

"It has been said that the provision for retroactivity distinguishes the San Francisco proposal from the Detroit ordinance, and that this provision could make enforcement more difficult and a court test more arduous. The retroactivity is, without doubt, and ambitious undertaking that greatly increases the impact of the ordinance.

"In much of the testimony supporting this ordinance, the emphasis was upon avoiding proliferation of new establishments near residential areas, and upon preventing a further concentration in certain business areas. It was indicated that some existing establishments are considered offensive, but that the greatest concern was over the threat of new enterprises and saturation of certain streets and neighborhoods. On the basis of this type of testimony it would appear that most of the concern could be met by prospective regulations, and that the provision for retroactivity is of secondary importance with these proponents.

"If the distance requirements were not retroactive, so that existing enterprises could stay in place so long as their operators continued in business at those locations, then the impact upon new areas would not be nearly so great. Any new outlets would be required to comply with the distance limitations, but existing outlets would not be forced to relocate. Therefore, Market Street, South of Market and the Third Street area might not be severely affected, at least in the near future. In that event, consideration might also be given to deleting the requirement for distance be-

tween establishments, with only the requirement for distance from residential areas retained.

"Standards for Exterior Appearance

"Whether or not the distance requirements were to be retroactive, an important decision would still have to be made as to whether adult entertainment should be prohibited for the future in most commercial areas of the city. Under this ordinance new establishments could not be opened in those areas, and over time many that now exist would leave through attrition. Eventually this type of activity would not be available except in certain parts of the city."

"Either as an alternative to distance requirements, or in combination with them, more attention might be given to standards for exterior appearance. In much of their testimony the proponents of this ordinance indicated that the assertive, garish appearance of the establishments, their use of vulgar words and symbols, and their reaching out for patrons in an indiscriminate manner, were the factors most offensive to passers-by and nearby residents and business people. It was pointed out that some adult establishments are subdued, even discreet, while others are neighborhood problems. From this testimony it would appear that adult entertainment need not always be offensive in an area, and that its external effects can be controlled."

"The Police Code provisions already contained in this proposed ordinance include limitations upon the matter depicted on signs, as well as a prohibition against display of the stock in trade where it may be viewed from the street. It might be possible to add to these provisions in order to restrict even further the nature of signs and other displays and the visibility of the interior of the establishment from the street."

"Some operators of existing establishments stated at the Commission hearing that they would find such appearance requirements appropriate and acceptable. It is quite possible that certain other operators would resist such limitation. However, if the appearance requirements were a condition for operating and an alternative to much more severe restrictions, then it would be in the best interests of all operators to comply and to urge their competitors to comply as well."

"Conclusion

"It may be concluded, on the basis of the analysis just described, that the Police Code provision for retroactivity should be re-examined. If that provision were deleted, then the requirement for

distance between establishments might also be deleted. A judgment as to the other proposed City Planning Code provision, the requirement for distance from residential areas, must be made on the basis of whether adult entertainment is to be allowed generally in commercial areas or confined to a certain part of the city. Finally, regardless of other limitations in the ordinance, additional standards might be written with respect to exterior appearance."

Commissioner Starbuck asked if the Detroit ordinance had contained retroactive provisions. Mr. Svirsky replied in the negative.

Commissioner Finn asked if the issue of retroactivity of such ordinances had ever been considered by the United States Supreme Court. Mr. Svirsky replied that he believed the only such ordinance which had been before the United States Supreme Court was the Detroit ordinance; and the issue in that case related to controls on the issuance of permits for new adult theaters.

Commissioner Starbuck then asked if the staff could offer a rough estimate of the number of adult bookstores in San Francisco. Mr. Svirsky replied in the negative. He indicated that the staff did have a list of bookstores which were notified of the public hearing on this matter; however, he felt that it would be difficult to determine the total number of stores which offer adult books among other types of merchandise.

Mark Joplin, 55 Sutter Street, asked to be allowed to comment. He then noted that his testimony on February 10 had drawn on admission from the representative of the City Attorney's office who was present that the ordinance, as presently drafted, would apply to "mom and pop" stores which sell magazines such as Playboy.

Commissioner Dearman asked if public hearings are now held when permits are issued for new adult bookstores. Philip Moscone, Deputy City Attorney, replied that bookstores presently do not require permits from the Police Department. Permits are required for theaters with live entertainment and movie theaters; and, in such cases, public hearings are held by the Police Department.

Mr. Svirsky noted that the issuance of any permit can be appealed to the Board of Permit Appeals, which does hold public hearings.

Commissioner Dearman then asked if the proposed legislation would require that all existing adult bookstores and adult theaters not complying with the ordinance go out of business or move within three years. Mr. Moscone replied in the affirmative.

Commissioner Dearman asked if Mr. Moscone felt that the three-year period would allow sufficient time for existing establishments to relocate to a proper zoning district. Mr. Moscone replied that the answer to that question would depend on an establishment's individual circumstances.

President Lau remarked that the Tenderloin District and Chinatown are the two areas in the City most affected by adult bookstores and adult theaters at the pre-

sent time. However, if the proposed ordinance were enacted, it appeared to him that the South of Market area, where many senior citizens reside, as well as certain other new areas, would be impacted by such uses. Mr. Moscone acknowledged that enactment of the ordinance with its retroactive clauses might impact those areas.

Commissioner Rosenblatt asked if the staff had considered offering recommendations for a public hearing process to be followed when applications are filed for permits for new adult bookstores or adult theaters.

Mr. Svirsky replied that no new process was being proposed, but that there is an existing public hearing process for all Police Code permits under the jurisdiction of the Police Department. Mr. Moscone stated that the Chief of Police does hold public hearings on applications for permits under the Police Code, and that notice is given by the Police Department for those hearings.

A representative of the Police Department, stated that notices of the hearings are posted on the premises of the buildings involved.

A resident of the southeast section of the city stated that she and her neighbors had not been aware that the matter was before the Commission for consideration until they had read about the February 10 hearing. She doubted that any area of the city would want to be inundated with adult bookstores and adult theaters; and she indicated that she would be opposed to the proposed ordinance insofar as it would force such establishments into her neighborhood. She suggested that Alcatraz Island might be a neutral location for such uses.

Peter Mendelsohn, representing Fourth of Market organizations, stated that all of the organizations he represented were opposed to the proposed ordinance. He remarked that Sixth Street already has a number of adult establishments; and he pointed out that Sixth Street is where most of the poor people who live in the South of Market area go to eat. He remarked that the South of Market area is no longer considered just a business area but is becoming more and more residential in character; and he indicated that he had been involved in the preparation of plans for construction of 500 new units of housing for elderly people and 300 new family units. He stated, further, that residences are above most stores South of Market, and that he was concerned about fires that might start in theaters that could involve the upper floors.

Dorice Murphy, a resident of Eureka Valley stated that she had called friends in Boston and New York where adult establishments have been relegated to "combat zones"; and she felt that on the basis of what she had heard the relegation of adult entertainment to one part of San Francisco should be avoided. However, she did feel that facade and advertising controls should be enacted to protect residential neighborhoods from adult displays which can be seen from the sidewalk.

Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which read, in part, as follows:

"WHEREAS, On the basis of the testimony received and an analysis of the Planning factors involved in this proposal, the Department of City Planning has prepared a memorandum to the Commission from Rai Y.

Okamoto, Director of Planning, dated March 3, 1977, and entitled 'ZT77.1, Proposed Amendments to City Planning Code Concerning Adult Bookstores and Adult Theaters'; and

"WHEREAS, The Commission has considered the analysis and suggested alternatives in said memorandum, which concludes that the Police Code provision for retroactivity should be re-examined, that additional standards might be written with respect to exterior appearance, that the requirement for distance between establishments is closely related to the retroactivity requirement, and that a judgement as to the requirement for distance from residential areas must be made on the basis of whether adult entertainment is to be allowed generally in commercial areas or confined to a certain part of the city; and

"WHEREAS, The Commission believes that substantial problems do exist with respect to adult entertainment establishments, especially in close proximity to residential areas, but that in terms of the issues that can be addressed by planning the testimony indicates that such problems related principally to the exterior appearance of the establishments and the proliferation of new establishments in the same areas, and such problems do not warrant the confining of these establishments to a certain part of the city as an overall matter of planning and zoning policy;

"THEREFORE BE IT RESOLVED, That the City Planning Commission does not find that the public necessity, convenience and general welfare require these proposed amendments to Section 221 of the City Planning Code, ZT77.1, and the same are hereby DISAPPROVED; but the Commission, in taking this action, does hereby suggest that the Board of Supervisors consider alternative methods of dealing with the problems of adult entertainment establishments, as heretofore described."

Commissioner Finn complimented the staff on its work. He stated that he was concerned about the proliferation of adult bookstores and theaters, especially in and adjacent to residential neighborhoods; however, he felt that a better approach to solving the problem could be found than adoption of the proposed ordinance. He moved adoption of the Director's recommendation.

The motion was seconded by Commissioner Dearman.

Commissioner Rosenblatt requested that the letter transmitting the Commission's resolution to the Board of Supervisors note that the Commission's action should not be taken as a disapproval of the proposed amendments to the Police Code, and also suggest that Police Code permits should be required, with appropriate notice and public hearing, for both adult bookstores and adult theaters.

Commissioner Starbuck asked that the word "suggest" in the last part of the Resolved clause be changed to "strongly encourage", and the motion and second were amended accordingly.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7678, disapproving the proposed City Planning Code amendments.

The meeting was adjourned at 7:00 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary



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Minutes of the Regular Meeting Held Thursday, March 10, 1977.

The City Planning Commission met pursuant to notice on Thursday, March 10, 1977, at 2:15 p.m. in the Commission Meeting Room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Lucien Blazej, Planner IV; Alec Bash, City Planning Coordinator; Robert Feldman, Planner II; Paul Posetter, Planner II; Barbara Sahm, Environmental Analyst; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:00 NOON--FIELD TRIP

Members of the Commission and staff took a field trip with representatives of the San Francisco Council of District Merchants Associations to selected neighborhood shopping districts.

2:15 P.M. 100 LARKIN STREET

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meetings of January 7 and February 3, 9, 10, 17, and 24, 1977, be approved as submitted.

CURRENT MATTERS

Robert Passmore, Planner V (Zoning), reported on work reviewed and completed by the Implementation Division of the department during February.

Rai Y. Okamoto, Director of Planning, reminded the Budget and Personnel Committee of the Commission (Commissioners Rosenblatt, Bierman, Dearman) of a meeting scheduled at 12:00 noon next Thursday, March 17.

The Director reported that a special Bayview-North Workshop will be held at the Joseph T. Lee Recreation Center, Newcomb Avenue and Mendell Street, next Saturday, March 12, at 10:00 a.m. The workshop will be repeated at 1:00 p.m. on the same day.

The Director advised the Commission that Hastings Law School will hold a public hearing on the Environmental Impact Report for its proposed expansion project next Monday evening, March 14, at 7:30 p.m. in Class Room A 198 McAllister Street.

The Director announced that he will hold a public hearing on Saturday, April 2, from 1:00 until 4:00 p.m. on the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area. The meeting will be held in the Continental Ballroom of the Hilton Hotel.

At this point in the proceedings, Commissioner Bierman arrived in the meeting room and assumed her seat at the Commission table.

The Director reported on his attendance at the Mayor's public hearing on budgets for various City departments, including the Department of City Planning, last Thursday evening.

The Director informed the Commission that the Board of Supervisors, meeting on Monday, had voted not to accept for hearing an appeal of the Commission's conditional use authorization for the proposed redevelopment project at Sacramento and Stockton Streets. The individuals who had filed the appeal had not collected signatures from a sufficient number of property owners in the vicinity to perfect the appeal.

The Director announced that the Joint Finance and Urban and Consumer Affairs Committees of the Board of Supervisors, meeting on Wednesday, had approved in principle the proposal for an off-street parking facility by the San Francisco Performing Arts Center, Inc. An Environmental Impact Report for the proposed project will be heard by the Commission on April 7.

The Director reported on his recent attendance at the monthly meeting of the Mayor's Transportation "Cabinet".

The Director informed the Commission that the staff of the Department of City Planning had been represented at a public meeting which was held on Tuesday evening to discuss the results of the Rehabilitation Finance Study.

The Director asked that meetings of the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman) be scheduled for Thursday, March 24 and Thursday, March 31, at 11:00 a.m.

on both dates. On March 24 the Committee will receive a progress report on the Residential Zoning Study. On March 31, a draft report concerning amendments to the non-conforming use provisions of the City Planning Code will be presented.

The Director indicated that the Commission's regular afternoon meeting on Thursday, March 31, will be cancelled. That evening a public hearing will be scheduled to consider modifications to the Residential Zoning proposals adopted by the Commission on May 20, 1976.

The Director reported that Phase IV of the Embarcadero Center is reaching a stage where the Department of City Planning will be involved in plan review.

R77.6 - SALE OF PROPERTY AT 150 WOODSIDE AVENUE, LOT 1 IN ASSESSOR'S BLOCK 2890.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to sell Department of Public Works property at 150 Woodside Avenue, at the southeast corner of Balceta Avenue, which has been declared surplus to the Department's needs. The property includes a one-family dwelling, and has an area of approximately 4000 square feet. Other property in the vicinity is developed with one-family dwellings, with the exception of property to the north, which includes the Laguna Honda Home.

"The Recreation and Open Space Element of the Master Plan, in Citywide System Policy No. 1, states that when public land becomes surplus to one public use, it should be reexamined to determine what other uses would best serve public needs, with priority to direct public use that meet either immediate or long-term public needs. There are no apparent uses for which this site should be reserved, and the sale of this property for use as owner-occupied housing would seem appropriate."

At the conclusion of his presentation, Mr. Bash recommended that the proposed sale of the subject property be approved as in conformity with the Master Plan.

No one was present in the audience to address the Commission on this matter.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried unanimously that the Director be authorized to report that the sale of property at 150 Woodside Avenue, Lot 1 in Assessor's Block 2890, is in conformity with the Master Plan.

LM77.1 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE
ATKINSON-ESCHER HOUSE, 1032 BROADWAY, AS A
LANDMARK.

Robert Passmore, Planner V (Zoning), reviewed the history and architectural characteristics of the subject building which had led the Landmarks Preservation Advisory Board to recommend that it be designated as a Landmark.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, indicated that she was present to respond to any questions which might be raised by members of the Commission.

Alan H. Nichols, owner of the subject property, stated that he had understood that it had been the practice of the Landmarks Preservation Advisory Board to designate the names of landmark buildings by using the names of the first and last owners. In any case, his preference would be that the subject building be referred to as the Atkinson-Nichols House rather than as the Atkinson-Escher House.

Mrs. Platt stated that the Landmarks Preservation Advisory Board has not followed the procedure which had been mentioned by Mr. Nichols and she recommended that the building be designated as the Atkinson-Escher House. However, she indicated that she would have no objection if Mr. Nichols wished to add his own name in parentheses in any correspondence regarding the building.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that Resolution No. 7679 be adopted and that the proposal to designate the Atkinson-Escher House, 1032 Broadway, as a Landmark be approved.

CU77.5 - 1032 BROADWAY, NORTH LINE, 43 FEET EAST OF FLORENCE
STREET AND 138 FEET WEST OF TAYLOR STREET.
REQUEST FOR AUTHORIZATION TO USE THE EXISTING DWELLING
AS A PROFESSIONAL (LAW) OFFICE BUILDING; IN AN R-4 AND
PROPOSED RH-2 DISTRICT.
(UNDER ADVISEMENT FROM MEETING OF FEBRUARY 3, 1977.)

Robert Passmore, Planner V (Zoning), noted that this matter had been considered by the Commission during the meeting of February 3, 1977. The proposed office use of the building could be authorized only if the building were to be designated as a Landmark; and the

Commission had taken the matter under advisement until this date when the proposal to designate the building as a Landmark was to be considered. He recommended that the application be approved subject to ten specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Starbuck asked if the conditions which were being recommended by Mr. Passmore were similar to conditions which had been imposed when conditional use authorization had been granted for commercial uses in other landmark buildings. Mr. Passmore replied that most of the conditions were of a standard nature; however, the condition limiting development on an adjacent parcel of property which is also owned by the applicant was unique.

Alan H. Nichols, the applicant, stated that the conditions which had been recommended by Mr. Passmore were acceptable to him.

William Farnsworth, Chairman of the Russian Hill Affiliates, stated that his organization was in favor of granting the application.

Mr. Passmore stated that the applicant had also filed for a variance from the parking standards of the City Planning Code; and, if the Commission were to approve the conditional use application, he expected that the Zoning Administrator would approve the parking variance.

After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7680 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

At 3:15 p.m. the Commission recessed and moved to Room 282, City Hall, where the meeting reconvened at 3:25 p.m.

EE76.178 - APPEAL OF DETERMINATION THAT AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED FOR GLEN PARK CENTER, NORTHWEST CORNER OF DIAMOND AND BOSWORTH STREETS, INCLUDING 36 APARTMENTS AND 24,000 SQUARE FEET OF COMMERCIAL SPACE.

Paul Rosetter, Planner II, summarized the findings of the staff of the Department of City Planning which had led to the determination that the proposed project may have a significant effect on the environment and that an Environmental Impact Report should therefore be required. He also responded to points raised in the letter of appeal

which had been prepared by the applicant. He then responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including Tak Enomoto, representing the applicant; James B. Lubin, Civil Engineer and Traffic Engineering Consultant for the applicant; Dr. Michael Hogan, a consultant who had undertaken preliminary air quality and community noise analyses for the applicant; Bernard Kelly, the applicant; Stanley Smith, Secretary-Treasurer of the San Francisco Building Construction Trades Council; James Lea, representing the Glen Park Merchants and Improvement Association; Ruth Gravanis, Recording Secretary of the Glen Park Association; Curt Firestone, a resident of the neighborhood; Michael Isaacs, Vice-President of the Glen Park Association; Joan Siwald, a resident of the neighborhood; Jim Gravanis, a member of the Glen Park Association; Sue Spergeon, a resident of the neighborhood; Mrs. "Tommy" Lebherz, a member of the Glen Park Association; Henry Gurzman, a member of the Glen Park Association; Gordon Salter, 80 Surrey Street; Denis Wade, 122 Arbor Street; Jerome Klein, 401 Chemery Street; Ms. Joy Walsh, a member of the Glen Park Association; Steve LaPlant, a resident of the neighborhood; and Howard Bratt, a resident of the area.

During the course of the public hearing, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

At the conclusion of the public hearing, Mr. Passmore recommended the adoption of a draft resolution which contained the following resolved clause: "Therefore be it resolved, that the City Planning Commission does hereby find that the proposed project may have a significant effect on the environment, and does hereby affirm the determination of the Department of City Planning."

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7681.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

At 5:40 p.m. President Lau announced a 5-minute recess. The Commission reconvened at 5:45 p.m. and proceeded with hearing of the remainder of the agenda.

EE77.18 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED LAND USE CHANGES NEAR THE SOUTHEAST SEWAGE TREATMENT PLANT TO PROVIDE: (a) RECREATION FACILITIES, (b) SITE FOR POSSIBLE SOLIDS-HANDLING FACILITIES FOR THE SOUTHEAST WATER POLLUTION CONTROL PLANT, (c) SITES FOR RELOCATION OF A DRILL TRACK (RAIL LINE), AND (d) RELOCATION OF DRILL TRACK, ON PROPERTIES LOCATED AS FOLLOWS: ALL OR PORTIONS OF LOTS 9, 12-15, 18 and 26 IN ASSESSOR'S BLOCK 5313, LOT 15 IN ASSESSOR'S BLOCK 5304, LOT 1 IN ASSESSOR'S BLOCK 5281, LOT 16 IN ASSESSOR'S BLOCK 5262, LOT 13 IN ASSESSOR'S BLOCK 5250, LOTS 1A AND 5 IN ASSESSOR'S BLOCK 5232, AND ALL OF ASSESSOR'S BLOCK 5227.
(UNDER ADVISEMENT FROM MEETING OF MARCH 3, 1977.)

President Lau noted that copies of Chapter XIII, entitled "Summary of Comments and Responses", for the Draft Environmental Impact Report have been distributed to members of the Commission prior to the meeting; and he indicated that members of the Commission had had an opportunity to read that material during the course of the meeting.

Robert Passmore, Planner V (Zoning), recommended that a draft resolution containing the following resolved clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated March 10, 1977, concerning EE77.18, Land Use Changes and Drill Track Relocation near the Southeast Treatment Plant, San Francisco Wastewater Master Plan Implementation Project VIII, is adequate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7682.

CU77.8 - 450 LIBERTY STREET, NORTH LINE, 233 FEET WEST OF SANCHEZ STREET.

REQUEST FOR MODIFICATION OF PLANNED UNIT DEVELOPMENT AUTHORIZATION TO ALLOW ADDITION OF TWO ROOMS ON A THIRD FLOOR OF AN EXISTING TOWNHOUSE TO A HEIGHT OF 32 FEET; IN AN R-1 AND PROPOSED RH-1 DISTRICT.

(UNDER ADVISEMENT FROM MEETING OF MARCH 3, 1977.)

Robert Passmore, Planner V (Zoning), noted that the Commission, during its meeting on March 3, had voted to express its intention to disapprove the subject application during the present meeting and had requested the staff to prepare a draft resolution of disapproval for its consideration. He then distributed the draft resolution which had been prepared by the staff.

After members of the Commission had had an opportunity to review the draft resolution, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7683 and that the subject application be disapproved.

PUBLIC HEARING ON PROPOSED REVISED CONFLICT OF INTEREST CODE FOR THE CITY PLANNING COMMISSION AND DEPARTMENT.

Robert Feldman, Planner II, reported on this matter as follows:

"Each commission, board, department, agency and bureau within City government, except those having only ministerial or clerical functions, is required to adopt, after public hearing, a Revised Conflict of Interest Code for submittal to the Board of Supervisors by April 1, 1977. The Proposed Revised Conflict of Interest Code was developed by the Department staff in co-ordination with the City Attorney's office and the Clerk of the Board of Supervisors.

"During June 1974 the Commission adopted and sent to the Board of Supervisors a Conflict of Interest Code. This Revised Code is necessary in order to meet changes in the Political Reform Act of 1974 and in regulations of the Fair Political Practices Commission adopted during the past year.

"Three significant changes are included in this Revised Conflict of Interest Code. First, the regulations now define 'designated employee' as only those employees whose participation in the decision-making

process is done without significant intervening substantive review. The list of designated employees in Exhibit A has been changed to eliminate those whose work is done with substantive review. Second, the Revised Code requires that only the disclosure statement of the Director of Planning shall be sent to the Board of Supervisors. All other statements shall be retained by the Department for public review. And third, the definition of consultant is included in a new Exhibit C. The effect of this definition would be to exempt most consultants rendering information, advice or recommendations to the Commission or Department from disclosure requirements.

"The Revised Conflict of Interest Code sets forth the procedure for annual filing during April of financial interest and income disclosure statements by those persons in City government whose participation in the decision-making process could foreseeably lead to material conflicts of interest. The Code also provides for filing of disqualification statements and requires disqualification from assignments where a potential conflict is foreseen."

Following his presentation, Mr. Feldman responded to questions raised by members of the Commission. After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7684 be adopted approving the revised Conflict of Interest Code of the City Planning Commission and Department.

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, March 17, 1977.

The City Planning Commission met pursuant to notice on Thursday, March 17, 1977, at 2:15 p.m. in the Commission Meeting Room at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Lucien Blazej, Planner IV; Alec Bash, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Moira So, City Planning Coordinator; Dick Swanson, Staff Assistant IV; Nathaniel Taylor, Planner III; Marie Zeller, Planner III; Jonathan Twichell, Transit Planner III; Jon Pon, Staff Assistant III; Dave Fulton, Planner III; Douglas Holmen, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Marshall Kilduff represented the San Francisco Chronicle.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the meeting of the Budget and Personnel Committee of the Commission, scheduled for earlier in the day, had been cancelled because the draft of the Department of City Planning's Affirmative Action Plan was not ready in time. The meeting will be re-scheduled on Thursday, March 31, at 12:00 noon.

The Director reminded the Implementation Committee of the Commission (Commissioners Starbuck, Bierman, Dearman) of a meeting scheduled at 11:00 a.m. next Thursday, March 24. A progress report on the Residential Zoning Study will be presented to the Committee on that date.

The Director indicated that the full Commission will meet at 12:00 noon on Thursday, March 24, to take a field trip to properties to be considered during April.

The Director reminded the Implementation Committee of another meeting scheduled on Thursday, March 31, at 11:00 a.m. when a draft report concerning amendments to the non-conforming use provisions of the City Planning Code will be presented.

The Director reported that the Commission's regular afternoon meeting on March 31 will be cancelled. A special meeting will be held that evening at 7:30 p.m.

in room 282, City Hall, to consider modifications to the residential zoning proposals initiated by the Commission on May 20, 1976.

The Director reported that he will hold a public meeting on Saturday, April 2, from 1:00 p.m. until 4:00 p.m. on the proposal to designate the Tenderloin District as Rehabilitation Assistance Program (RAP) area. The meeting will be held in the Continental Ballroom of the Hilton Hotel.

The Director advised the Commission that the Department of City Planning's Office of Environmental Review had prepared and transmitted a letter commenting on the draft environmental impact report for the proposed expansion of Hastings Law College. One of the major issues arising from the proposed project is provision of replacement housing for elderly residents of the hotels and apartments which would be demolished to make way for the new facility.

The Director reported that the Landmarks Preservation Advisory Board, meeting on Wednesday, had initiated designation of the Ortman-Shumate House, 1901 Scott Street, as a Landmark.

The Director distributed copies of a 16th Street neighborhood study which had been prepared by the Mission Planning Council under contract to the Department of City Planning.

The Director stated that he had met with Philip Johnson, architect for the new Neman-Marcus Store to be constructed on the 'City of Paris' site. He indicated that Mr. Johnson intends to recreate the rotunda of the existing building by re-use of its elements in a replacement structure.

The Director noted that the Redevelopment Agency had adopted a resolution urging the developers of Embarcadero Center Phase IV to propose buildings of lesser height than would be allowed by the Redevelopment Plan. He indicated that he will prepare a draft resolution to be considered by the Commission relating to issues of height and uses in the project.

The Director stated that he would also request the Commission to adopt a resolution at its meeting next week urging the Secretary of the the Department of Housing and Urban Development to continue funding large cities under the 701 Comprehensive Planning and Management Program.

The Director reported that the Board of Supervisors, at its meeting next Monday, will consider an appeal from the Commissions's disapproval of a Conditional Use Application for extension of the Tow Car Association's automobile storage lot in the South Bayshore area.

The Director reported that he and members of the staff had met with Supervisor Feinstein, District Attorney Frietas, and a representative of the City Attorney's office for further discussion of zoning controls relating to adult bookstores and theaters. The staff had agreed to provide the Supervisor with further information regarding the impact of legislation which would limit the location of such uses to

M-2 Districts.

George A. Williams, Assistant Director-Plans and Programs, presented a summary of work accomplished by the Plans and Programs Division of the Department of City Planning for the period ending February 15.

President Lau reported that Moira So and Jon Pon of the Department of City Planning had accompanied him to a meeting in Chinatown on the previous day where the Chinatown Improvement Plan was discussed. He advised the Commission that there is a great deal of interest in Chinatown concerning the work of the Department.

CONSENT CALENDAR

- a. R77.11 - ACQUISITION OF PROPERTY EAST OF QUINT STREET AND OAKDALE AVENUE AND WEST OF SOUTHERN PACIFIC RIGHT-OF-WAY, PORTION OF ASSESSOR'S BLOCK 5313, FOR A PARK.
- b. R77.12 - VACATION OF NEWCOMB AVENUE BETWEEN QUINT STREET AND SOUTHERN PACIFIC RIGHT-OF-WAY FOR A PARK.
- c. R77.13 - JURISDICTIONAL TRANSFER OF PROPERTY EAST OF QUINT STREET AND NEWCOMB AVENUE AND WEST OF SOUTHERN PACIFIC RIGHT-OF-WAY, PORTION OF ASSESSOR'S BLOCK 5304, FROM THE WATER DEPARTMENT TO THE DEPARTMENT OF PUBLIC WORKS, FOR A PARK.
- d. R77.14 - ACQUISITION OF PROPERTY BOUNDED BY EVANS AND DAVIDSON AVENUES AND QUINT AND RANKIN STREETS, ASSESSOR'S BLOCK 5227, TO PROVIDE RAILROAD DRILL TRACK RIGHT-OF-WAY.
- e. R77.15 - REVOCABLE PERMIT FOR RAILROAD DRILL TRACK RIGHT-OF-WAY ON RANKIN STREET BETWEEN GALVEZ AND EVANS AVENUES, ON A PORTION OF EVANS AVENUE EAST OF RANKIN STREET, ON ASSESSOR'S BLOCK 5227, ON A PORTION OF DAVIDSON AVENUE WEST OF QUINT STREET, AND ON A PORTION OF QUINT STREET BETWEEN DAVIDSON AND CUSTER AVENUES.

The Secretary indicated that proposed exchanges of property had been covered in an Environmental Impact Report (EE77.18) which had been certified by the Commission on March 10, 1977. In addition two memoranda had been prepared for the Commission analyzing the proposals. In each instance, the staff was recommending that the Director be authorized to report that the proposed project would be in conformity with the Master Plan.

President Lau asked if anyone were present in the audience to speak in opposition to any of the proposals and received a negative response.

It was then moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the Director be authorized to report that each of the projects would be in conformity with the Master Plan. Copies of the staff memoranda on these matters are available in the files of the Department of City Planning.

INFORMATIONAL PRESENTATION OF CHINATOWN NEIGHBORHOOD IMPROVEMENT PLAN.

Moira So, City Planning Coordinator, and Jon Pon, Staff Assistant III, presented and summarized the plan and responded to questions raised by members of the Commission.

Commissioner Bierman stated that she was concerned that rehabilitation of housing in Chinatown could result in inflated rental costs. While the Marks-Foran Bill provides that rent controls may be exercised while improvement loans are being paid off, such controls could no longer be utilized when the loan has been paid off or when a building has been sold. She felt that the staff should explore means of over-coming that problem.

Commissioner Dearman, remarking on the traffic congestion in Chinatown at the present time, asked if it might be feasible to limit some streets in the area to use by trucks and buses only. Mr. Pon replied that there had been some discussion of special treatment for Grant Avenue; however, anything that would be done would be of special interest to the merchants in the area.

Commissioner Starbuck noted that the Chinese Cultural Center had not been mentioned in the report as a community facility. President Lau suggested that the cultural center should be mentioned in the report.

Commissioner Starbuck then asked how residents and merchants in Chinatown might react to a proposal for transit preferential treatment of Stockton Street. Mr. Pon replied that merchants and residents in the area realized that something must be done with the traffic on Stockton Street.

President Lau stressed the fact that a study undertaken by the Department of City Planning in 1971 had indicated that 2,000 new dwelling units are needed in the core area of Chinatown and that 2400 existing units need rehabilitation. Since that time, the only new housing to be proposed, on a site at Stockton and Sacramento Streets, has been delayed; and no units have been rehabilitated.

Commissioner Starbuck suggested that the report should include mention of the impact which enforcement of the Parapet Ordinance will have on Chinatown.

J. K. Choy felt that government should play a major role in rehabilitating and providing housing in older sections of the City; and he urged the staff of the Department of City Planning to seek Federal and State funds to help resolve Chinatown's housing problems.

Another member of the audience remarked that Municipal Railway has refused to provide any additional transit service through Chinatown until the parking problems in the area are resolved; and, as a result, he felt that the staff report should have placed more emphasis on proposing solutions to the parking problem. Mr. Pon replied that the staff is working on recommendations relative to the parking issue which will be included in the final plan of Chinatown.

EFFECT OF CALIFORNIA COASTAL ACT OF 1976 ON SAN FRANCISCO.

Bob Brown, Executive Director of the North Central Regional Coast Commission, described the requirements of the California Coastal Act of 1976 as they pertain to San Francisco. He indicated that he will be meeting with the staff of the Department of City Planning in the next few weeks to discuss the correlation between local laws and the goals of his Commission. He then responded to questions raised by members of the Commission and staff.

At 3:55 p.m. President Lau announced at 15-minute recess. The Commission reconvened at 4:10 p.m. and proceeded with hearing of the remainder of the agenda.

DISCUSSION OF ACTION PROGRAM OF TRANSPORTATION STRATEGY AND PROGRAMS REPORT.

Jonathan Twichell, Transit Planner III, presented and summarized a Financial Action Plan for implementation of the Transportation Strategy and Programs Report. Following the presentation, he responded to questions raised by members of the Commission. Both the Financial Action Plan and the Strategy and Programs Report will be considered by the Commission on April 21.

STATUS REPORT ON TRANSIT PREFERENTIAL STREETS PROGRAM.

Jonathan Twichell, Transit Planner III, reported on transit preferential treatment which has been implemented on Mission and Polk Streets and the types of treatment which are presently being considered for Van Ness Avenue, Stockton Street, and the Sutter/Post and Geary/O'Farrell pairs.

At this point in the proceedings Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

STATUS REPORT ON RESIDENT PREFERENTIAL PARKING PROGRAM.

Dave Fulton, Planner II, reported on the status of this program and responded to questions raised by members of the Commission. He indicated that eight neighborhoods had petitioned the Department of Public Works for implementation of resident preferential parking. Surveys have been completed and public hearings had been held for two of the neighborhoods, those being the Telegraph Hill/Russian Hill area and the area in the vicinity of the Daly City BART station. The Department of Public Works intends to treat those two areas as pilot projects; and, as a result; implementation of the resident preferential parking program in the other six neighborhoods may be delayed.

The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

SAN FRANCISCO
CITY PLANNING COMMISSIONSAN FRANCISCO
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Minutes of the Regular Meeting held Thursday, March 24, 1977.

The City Planning Commission met pursuant to notice on Thursday, March 24, 1977, at 12:00 noon at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by R. Spencer Steele, Acting Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Richard Gamble, Planner IV; Alec Bash, City Planning Coordinator; Alan Billingsley, Planner II; Ralph Gigliello, Planner II; Kit Hermann, Planner II; William Oman, Planner II; Mark Winogron, Planner II; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

12:00 NOON - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:00 noon to take a field trip to properties to be considered during April.

Commissioner Starbuck was in attendance when the Commission took the field trip. However, he was absent from the first part of the Commission's Regular Meeting because he was representing the Commission before the Streets and Transportation Committee of the Board of Supervisors.

2:15 P.M. - 100 LARKIN STREET

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of March 10, 1977, be approved as submitted.

CURRENT MATTERS

R. Spencer Steele, Acting Director of Planning, reported that the Board of Supervisors, meeting on Monday, had voted to overrule the Commission's disapproval of a conditional use application for extension of the Tow Car Association's automobile storage lot in the South Bayshore area. In acting on the matter, the Board indicated that the conditional use authorization would remain in effect until such time as the Tow Car Association finds an alternate site or sites which are suitable for its use or until such time as the State is in a position to develop the present site for park purposes.

Mr. Steele reminded the Commission of various meetings scheduled for next Thursday, March 31.

Mr. Steele reported that zoning and environmental review cases will be scheduled for consideration by the Commission on April 7 and on April 14 because of the large number of applications received for hearing in April.

Mr. Steele reminded the Commission that the Director will hold a public meeting on Saturday, April 2, from 1:00 P.M. until 4:00 P.M. on the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area. The meeting will be held in the Continental Ballroom of the Hilton Hotel.

Mr. Steele noted that the Commission had received a letter from the Clerk of the Board of Supervisors asking for any comments which the Commission might wish to offer concerning a proposed Charter amendment which would provide that all boards and commissions should be reviewed by the Board of Supervisors every four years for a determination as to whether they should continue to exist.

Mr. Steele reported that Paul Opperman, Director of Planning in San Francisco from 1949 to 1958, had died during the past week.

Mr. Steele noted that the Commission had received a mailgram from the Executive Committee of the Mission Planning Council objecting to his approval of a building permit application for conversion of the ground floor of the former Sears store at 3120 Mission Street to offices for the Employment Development Department of the State of California. He explained that he had been advised by the City Attorney's office that space rented by the State for governmental purposes is immune from local zoning regulations. In addition, the proposed use would also be immune from environmental evaluation requirements. He also advised the Commission that a conditional use application which had been filed by private parties requesting authorization to use the upper floor of the building for storage of household goods had been withdrawn.

After discussion, President Lau indicated that he would prepare a reply to the Executive Committee of the Mission Planning Council.

At this point in the proceedings Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

George A. Williams, Assistant Director-Plans and Programs, reported that he had received a communication from the Federal Department of Housing and Urban Development (HUD), approving a pre-application for 701 funds for the next fiscal year. However, funding will be reduced from the current level of \$75,000 to \$60,000 and thus will result in the loss of one temporary position.

CONSIDERATION OF DRAFT RESOLUTION URGING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO CONTINUE FUNDING LARGE CITIES UNDER THE 701 COMPREHENSIVE PLANNING AND MANAGEMENT PROGRAM.

George A. Williams, Assistant Director-Plans and Programs, stated that the Secretary of the Department of Housing and Urban Development had proposed to exclude

large cities such as San Francisco from participation in the 701 program in fiscal year 1978-1979 based on the fact that large cities have access to community block grant funds for planning activities. However, many of the activities in the Department of City Planning's Comprehensive Planning Program would not be eligible for use of community block grant funds; and, as a result, it would be desirable to obtain 701 funding for those projects. He stated that planning directors from various large cities will be meeting with the Secretary of the Department of Housing and Urban Development next Thursday to discuss the issue; and he recommended that the Commission adopt a resolution urging the Secretary of the Department of Housing and Urban Development to continue the participation of large cities in the 701 Comprehensive Planning and Management Grant Program.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7685 be adopted urging the Secretary of the Department of Housing and Urban Development to continue the participation of large cities in the 701 Comprehensive Planning and Management Grant Program.

DR77.11 - ROME STREET, EAST LINE, 237 FEET NORTH OF CAYUGA AVENUE.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION
FOR ONE THREE-UNIT BUILDING ON A LOT OF 12,330 SQUARE FEET;
IN AN R-1 AND PROPOSED RH-1 DISTRICT.
(CONTINUED FROM MEETING OF MARCH 3, 1977.)

Robert Passmore, Planner V (Zoning), remarked that residents of the subject neighborhood who had appeared before the Commission on March 3 had claimed that many residents of the area had not received notice of the Commission's hearing. As a result, the matter was continued until the present time; and new notices had been sent to property owners in the area.

Commissioner Bierman recalled that she had requested residents of the neighborhood to meet with the staff of the Department of City Planning or the applicant's architect during the interim; and she asked if such a meeting had been held. A resident of the neighborhood replied in the negative.

Robert Feldman, Planner II, stated that two meetings had been held with residents of the neighborhood prior to the previous Commission meeting on the matter.

Mark Winogrand, Planner II, indicated that he had served as planning liaison person to the subject neighborhood. He stated that he had been contacted by the applicant and his architect last May; and, after reviewing the proposal, he had suggested that a meeting be held in the neighborhood to discuss the proposal. The first meeting was held June 21 at the Cayuga Club House and was well attended. At that time, the applicant's architect had described plans for four dwelling units, each consisting of two dwelling floors above a garage. As a result of concern expressed by residents of the neighborhood, the applicant had revised the plans to delete one of the proposed dwelling units and to reduce the height of the remaining buildings by one story. The revised proposal had been presented at a second meeting which was held in the home of a resident of the neighborhood. He felt that the scale of the revised project would harmonize with the existing character

of the neighborhood. Residents of the area continued to be concerned that the new buildings would be rented rather than owner-occupied; however, the Department of City Planning has no jurisdiction in the area of ownership.

Anne Sonne, 200 Ottawa Avenue, stated that many residents of the neighborhood had not been aware of the meetings which had been held previously; and she indicated that the proposed project was of concern to the entire neighborhood and not just to people living in the immediate vicinity of the subject property. She emphasized that the neighborhood already has a serious parking problem; and she noted that the applicant was proposing to construct only one off-street parking space for each of the proposed dwelling units. Furthermore, Rome Street is extremely narrow. In view of those conditions, and in view of the fact that noise from the overhead BART line can be heard from the subject property, she felt that the proposed dwelling units would be undesirable as rental units. She stated that she had circulated a petition in the neighborhood in opposition to the project and had obtained the signatures of more than 200 individuals. The neighborhood has always been characterized as a single-family neighborhood; and she felt that construction of the proposed dwelling units, which would have party walls and which would probably be rented, would endanger the future character of the neighborhood. Because of the nature of the proposed development, she doubted that families with good incomes would be willing to live in the new buildings; and, as a result, she expected that the building would be occupied by single people sharing the rental units. In conclusion, she stated that residents of the neighborhood would not object if the property were to be developed with two single-family houses.

Frank Gallagher, 222 Ottawa Avenue, remarked that the proposed dwelling units, as designed, would have the appearance of separate buildings; however, they would have party walls and would probably have a common sewer and a common roof. Buildings of that type used to be very common in San Francisco; but they have proven to have a detrimental impact on the neighborhoods in which they are located.

Commissioner Bierman, noting that residents of the neighborhood seemed to be especially concerned about the possibility that the proposed dwelling units would be rented, asked if she were correct in her understanding that the City Planning Commission has no discretion in determining whether the dwelling should be rented or owner-occupied. Mr. Passmore replied in the affirmative.

Mr. Gallagher stated that owners generally take more pride in their buildings than tenants; and, as a result, the neighborhood was concerned about the prospect that the proposed dwelling units might be rented. Alternatively, he was concerned about the possibility that the units might be constructed with party walls, a common roof and a common sewer and later sold for single-family occupancy.

Frank Carraro, the applicant, stated that he had not yet decided whether the proposed dwelling units would be rented or sold.

Claudia Shortell, 319 Rome Street, stated that the subject neighborhood has always been zoned for single-family use; and, under the circumstances, she did not understand how construction of three dwelling units under a single roof could possibly be permitted.

Mr. Passmore stated that more than one dwelling could have been permitted on lots in the subject neighborhood since enactment of the first Zoning Ordinance in 1921 depending on the lot area available; however, since May 20, 1976, when the Commission initiated the new Interim Residential Zoning Controls, construction of more than one dwelling unit is not permitted as a matter of right but only with the approval of the Commission. Under present density standards, the Commission could approve one additional unit for each 3,000 square feet of lot area. If private covenants exist limiting development in the area to one unit per lot, they might be enforceable in the courts; however, he was not aware of the existence of such covenants.

A resident of Ottawa Avenue remarked that the slope of the subject property is quite steep. In addition, the BART right-of-way is at the top of the slope. Under the circumstances, he felt that construction on the site would be difficult. Furthermore, the proposed project would bring additional traffic congestion and parking problems to the area.

Louis Samuels, representing the owners of the subject property, stated that the property had once been part of a larger site. After BART had acquired a portion of the property, the present parcel remains with an area of more than 12,000 square feet but with only a 39 foot frontage along Rome Street for access purposes. If the proposed dwelling units were to be constructed on the property, there would be approximately 4,000 square feet of lot area available for each of the dwelling units. Most of the properties in the neighborhood have a lot area of only 2200 square feet. He remarked that plans for the project had been prepared before the interim residential zoning controls were initiated by the Commission on May 20, 1976. The project contemplated at that time would have involved four dwelling units each having two floors of living space above a garage. Both the number of dwelling units and their height had since been reduced. The form of construction proposed, involving party walls and only one floor of living space above the garages, would allow the structures to be at the bottom of the hill rather than further up the slope.

Commissioner Bierman remarked that it was apparent that some of the residents of the neighborhood felt that the proposed buildings would be located on the slope; and she felt that it was imperative for the staff or the developer to meet with residents of the neighborhood to clarify such aspects of the proposal.

Commissioner Dearman asked if the applicant would be unable or unwilling to construct two single-family homes on the property. Mr. Samuels replied that it would probably be possible to construct single-family homes on the property; however, special garage arrangements would probably have to be devised to make such construction feasible.

Mr. Carraro remarked that construction of single-family dwellings on the property would probably result in building height which would interfere with views and which would cast shadows.

Commissioner Dearman then inquired about the size of the proposed dwelling units. Mr. Passmore replied that two bedroom units with a floor area of approximately 1200 square feet were being proposed.

Commissioner Bierman observed that the three dwelling units proposed would have the appearance of single-family dwellings and would blend with the neighborhood. However, if the developer were forced to construct two single-family homes on the site, she feared that they would be located further up the hill and that they would have an appearance quite different from other buildings which presently exist in the neighborhood. She asked if the subject property is unique in the area. Mr. Passmore replied in the affirmative, indicating that there are not many large single-family lots in the neighborhood. Most of the lots in the area range between 1800 and 2500 square feet in area. In addition, the topography of the site, its proximity to the BART right-of-way, and the fact that it is at the end of a cul de sac tend to make it unique.

President Lau asked if there are any other large undeveloped lots in the neighborhood at the present time. Mr. Feldman replied that the staff had not made an inventory of properties in the area; but he did not believe that other similar lots exist in the neighborhood.

Commissioner Bierman remarked that the subject property will inevitably be developed since it is privately-owned. However, a certain amount of confusion continued to exist regarding the proposed project; and she felt that the staff of the Department of City Planning should hold one additional meeting with the neighborhood before action is taken on the matter by the Commission. Therefore, she moved that the matter be taken under advisement until the Commission's meeting on April 14. The motion was seconded by Commissioner Dearman.

Commissioner Rosenblatt again emphasized to residents of the neighborhood that the City Planning Commission has no jurisdiction over the question of whether the proposed dwelling units will be owner-occupied or rented; and, as a result, the Commission could not take that issue into account in making its decision on the matter under consideration.

When the question was called, the Commission voted unanimously to take this matter under advisement until the meeting of April 14, 1977. The Commission also requested that the staff hold one additional meeting with residents of the neighborhood to discuss the proposed development of the subject site.

R77.2 - SALE OF PROPERTY AT SOUTHWEST CORNER OF MONTGOMERY AND WASHINGTON STREETS, LOT 25 IN ASSESSOR'S BLOCK 208.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Property for review as to conformity with the Master Plan.

"The proposal is to sell Department of Public Works property at the southwest corner of Montgomery and Washington Streets. This property was originally acquired for the widening of Washington Street, in this section a designated Major Thoroughfare of the Transportation Element of the Master Plan. The property is immediately east of the Holiday Inn at Portsmouth Square, and a two-story commercial building is to the south. The property contains 4,820 square feet, and under the existing C-3-0 (Downtown Office Commercial) zoning could accommodate offices, commercial use, and up to 24 residential units. The International Hotel is approximately one block to the north.

"The Residence Element of the Master Plan calls for encouraging multiple-residential development in conjunction with commercial uses in the downtown commercial area. The Recreation and Open Space Element of the Master Plan, in Citywide System Policy No. 1, states that when public land becomes surplus to one public use, it should be re-examined to determine what other uses would best serve public needs, with priority to direct public use that meet either immediate or long-term public needs. While housing would be desirable as a mixed-use, upper-level type of development on the site, such does not appear feasible for public action, and is not required by applicable zoning regulations. There are no other apparent uses for which this site should be reserved, and the sale of this property would seem appropriate.

"It is recommended that the Director be authorized to report that the sale of property at the southwest corner of Washington and Montgomery Streets, Lot 25 in Assessor's Block 203, is in conformity with the Master Plan, and that housing would be desirable on the property in conjunction with other commercial uses as permitted by the C-3-0 (Downtown Office Commercial) district."

President Lau asked if anyone were present to speak in opposition to the proposed sale of the subject property and received a negative response.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Elliott, and carried unanimously that the Director be authorized to report that the sale of property at the southwest corner of Washington and Montgomery Streets, Lot 25 in Assessor's Block 203, is in conformity with the Master Plan, and that housing would be desirable on the property in conjunction with other uses as permitted by the C-3-0 (Downtown Office Commercial) district.

RS77.2 - PUBLIC HEARING ON TENTATIVE MAP FOR 13 CONDOMINIUM UNITS
AT 40 MACONDRAY LANE, LOT 22 IN ASSESSOR'S BLOCK 120.

Ralph Gigliello, Planner II, stated that the proposal was to sell as condominiums for individual ownership 13 new units to be constructed in two buildings

over a common parking structure. Automobile access would be from Union Street, with pedestrian access from the path in Macondray Lane. He indicated that the staff of the Department of City Planning had issued a negative declaration for the proposal to construct the buildings on October 8, 1976; and that negative declaration had not been appealed. The City Planning Commission had conducted a discretionary review of the building permit application for the project on October 28, 1976; and the Commission had approved the building permit application subject to seven specific conditions which were contained in Resolution No. 7589 which was adopted by the Commission on that date. He distributed copies of that resolution to members of the Commission for their information.

Mr. Gigliello stated that the Commission had received a letter from H. Martin Ems, 74 Macondray Lane, which read as follows:

"I have received your notification of a hearing to consider the application to subdivide 40 Macondray Lane, Lot 22 in Assessor's Block 120, a through-block lot between Macondray Lane and Union Street, with a hearing on said application scheduled for March 24th.

"Since I will not be able to be present at that hearing, I should like to submit my comments in regard to this application, as follows:

"As I understand it, the purpose for subdividing this lot into two parcels is to then be able to construct 13 condominium units on this property without having to meet the requirement for certain setback distances from both Union Street and Macondray Lane. By the subterfuge of a technical subdivision, the so-called 'Open Space' would be located in the middle of this property since the technical requirement for setbacks could be met where the two lots, once subdivided, would meet. At this location, the buildings facing Union and Macondray could come right up to the sidewalk areas.

"I believe that the subdivision application should be denied since to do otherwise would violate the spirit of the setback regulation. The 'Open Space' would be of benefit, if any, only to the residents of the complex which is envisioned for this property. The neighborhood would be deprived of the advantages of a setback on both of the streets in question, thereby violating the purposes for which the setback rules were enacted in the first place. On the Macondray side of the property, the granting of the subdivision request would enable what is now green and leafy vegetation and a feeling of openness to become transformed into a 'tunnel' effect and make the unique Lane into just another alley. The damage already done to the Lane as far as admitting light and sun into it is concerned that was done by other already built and proposed 'high-rises' would be compounded irreparably by permitting subdivision of the lot herein referred to and the subject of the March 24th hearing."

Mr. Gigliello stated that the matter of the lot split was a separate issue which was not before the Commission for consideration. In addition to the concerns

which had been expressed by Mr. Ems in his letter, the staff had heard from several residents of the neighborhood who were confused about the status of the discretionary review matter. As he had indicated earlier, the Commission had already completed its discretionary review of the proposed project in October, 1976; however, Condition No. 3 of the resolution adopted by the Commission on that date provided that "final design of the Macondray Lane facade is subject to review and approval by the staff of the Department of City Planning, with special regard to neighborhood concerns about height, scale and materials." Therefore, when more detailed plans are available for the project, the staff will alert the neighborhood and review those plans; but the plans will not be brought before the Commission unless the staff fails to obtain satisfaction from the developer. Some residents of the neighborhood had also complained that inadequate notice was given of the discretionary review hearing which had been held in October. He stated that he had notified Bill Farnsworth, President of the Russian Hill Affiliates, and Sarah Strauss, a resident on Macondray Lane, when plans were received for the project; and, following a meeting which was held in the neighborhood, he had understood that those two individuals were to function as a committee to delineate neighborhood concerns regarding the proposal. The conditions which were included in the resolution adopted by the Commission on October 28 were prepared with reference to the statement of neighborhood concerns that had been prepared by Mr. Farnsworth and Ms. Strauss.

Leroy Meshel, owner of property on Macondray Lane, advised the Commission that he had retained Gary Near as his attorney.

Mr. Near stated that his clients had been unclear as to the status of the Commission's discretionary review of the building permit application for the proposed project. Since they had not been consulted when the matter was before the Commission for discretionary review, he requested that the Commission defer action on the subdivision referral for a couple of weeks so that his clients would have an opportunity to determine their rights at this point in time.

Kirk Miller, the owner of the subject property, stated that he had purchased the property two and one-half years ago; and he indicated that he had spent two years preparing plans which would assure that the proposed project would be compatible with the neighborhood. He emphasized that he had discussed the proposed plans with residents of the subject neighborhood; and he advised the Commission that he had contacted Dr. Meshel about the proposed project on February 20, 1976. At that time, Dr. Meshel was renovating the three unit building which he owns; and, in the process of renovation, three windows were installed on the common property line. He noted that his proposed project would require no variances from the City Planning Code and no conditional use authorization from the Commission. He had been willing to bring his plans before the Commission for discretionary review; and he remained willing to work out final details of the plans with the staff of the Department of City Planning. The only issue before the Commission at the present time was whether the dwelling units in the proposed building should be sold as condominium units or whether they should be rented.

Dr. Meshel submitted a petition which had been signed by twelve residents of Macondray Lane and which read as follows:

"We the inhabitants of Macondray Lane would like to make it known to the San Francisco City Planning Commission that we have no knowledge of the occurrence of a Discretionary Review Meeting concerning the proposed housing development at 40 Macondray Lane.

"We have important reservations concerning the current proposed building complex. We, therefore petition the San Francisco City Planning Commission for such a hearing before any plans are approved or permits issued for the above mentioned construction."

Dr. Meshel stated that Mr. Miller had made no attempt to talk with him. He felt that Mr. Near's request for a two week postponement of action by the Commission was a reasonable request; and he believed that it would behoove Mr. Miller to meet with him and his attorney during the interim.

Robert Passmore, Planner V (Zoning), stated that it would not be possible for the Commission to conduct another discretionary review of the building permit application for the proposed building; however, once the building permit is issued by the Central Permit Bureau, any interested party could appeal the issuance of the permit to the Board of Permit Appeals. Furthermore, when final plans for the project are submitted to the Department of City Planning for review, the staff would involve residents of the neighborhood in the review process. The only issue before the Commission at the present time was whether the dwelling units in the proposed building should be sold as condominium units or whether they should be rented; and, although the timing of the Commission's action did not appear to be crucial to the applicant, he recommended that the Commission adopt a draft resolution with the following resolved clause:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the condominium subdivision proposed at Lot 22 of Assessor's Block 120, as set forth in the tentative map submitted with the referral, is consistent with the Master Plan; provided however, that the following conditions are complied with:

"1. Planning Commission approval is for a building subject to the seven (7) conditions stated in its prior approval of Building Permit Application No. 459646, under discretionary review Case No. DR76.38, Resolution No. 7589, October 28, 1976.

"2. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code."

Commissioner Bierman stated that she regretted that Dr. Meshel had not been aware of the discretionary review which had been held by the Commission last October. Nevertheless, the fact remained that the discretionary review had been completed; and, in taking its action, the Commission had established a condition

that final plans for the project would be approved by the staff of the Department of City Planning. She believed that the Commission had done as much as it could to assure that the design of the proposed buildings would be compatible with the subject neighborhood. Under the circumstances, she did not feel that it would be fair for the Commission to postpone action on the subdivision referral.

President Lau asked Mr. Miller if he would be willing to meet with Dr. Meshel and his attorney to discuss their concerns on the proposed project. Mr. Miller replied in the affirmative.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting. Commissioner Starbuck arrived in the meeting room and assumed his seat at the Commission table.

After further discussion it was moved by Commissioner Rosenblatt and seconded by Commissioner Bierman that the draft resolution be adopted.

Commissioner Bierman asked the staff if any notice of discretionary review hearings is legally required. Mr. Gigliello replied in the negative, indicating that discretionary reviews are usually requested by neighborhood residents; and, as a result, they would necessarily be aware of the proceedings.

Commissioner Bierman suggested that it would be desirable if the staff could post notices in the neighborhoods affected when discretionary reviews are to be conducted.

Dr. Meshel asked who had initiated the discretionary review of the building permit application for the proposed project. Mr. Passmore replied that the discretionary review had been initiated by the Russian Hill Affiliates and by the applicant.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7686 and to approve the proposed subdivision condominium as being consistent with the Master Plan subject to the conditions which had been recommended by the staff.

**PRESENTATION BY EUREKA VALLEY PROMOTION ASSOCIATION OF PROPOSED PLAN
FOR THE EUREKA VALLEY TRAILS AND ART NETWORK.**

Commissioner Rosenblatt stated that he had discussed the proposed project which was to be presented to the Commission with Dorice Murphy of the Eureka Valley Promotion Association. He had intended to move the adoption of a draft resolution endorsing the plan as a concept and as a framework to pursue specific projects in the future for the enhancement of the Eureka Valley neighborhood. However, the meeting was running late; and he had to leave the meeting in order to keep a business appointment with people from out of town. He left the draft resolution which he had prepared with the Secretary and requested that it be adopted by the Commission at the conclusion of the presentation.

Following introductory remarks by Dorice Murphy, Effie Schwarzschild, Ruth Asawa, Lee Mentley, and Kirby Ortiz De Montellano, Eric Uddenberg presented a photographic slide show to illustrate some of the objectives of the proposed program. Following the presentation, he responded to questions raised by members of the Commission.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7687 be adopted with the following resolved clauses:

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby commend the Eureka Valley community for pursuing the public planning process represented by the preliminary development of a Eureka Valley Trails and Art Network, and commends the effort as an example of neighborhood initiated planning for other neighborhoods in the city; and

"BE IT FURTHER RESOLVED, That the Commission endorses the plan as a concept and as a framework to pursue specific projects in the future for the enhancement of the Eureka Valley neighborhood."

The meeting was adjourned at 4:45 P.M.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Special Meeting held Thursday, March 31, 1977.

The City Planning Commission met pursuant to notice on Thursday, March 31, 1977, at 7:30 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Roger Boas, George Carey, Ina F. Dearman, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Alan Billingsley, Planner II; Mark Winogrand, Planner II; and Lynn E. Pio, Secretary.

Steve Rubenstein represented the San Francisco Chronicle; Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

EE76.90 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED PARKING STRUCTURE FOR 475 AUTOMOBILES IN THE BLOCK BOUNDED BY THE EMBARCADERO AND MISSION, STEUART AND HOWARD STREETS.
(UNDER ADVISEMENT FROM MEETING OF FEBRUARY 24, 1977).

Rai Y. Okamoto, Director of Planning, stated that the developer's consultant had not gotten copies of the comments made by the public at the public hearing held by the Commission on February 24 in sufficient time to prepare responses to those comments; and, as a result, he recommended that this matter be continued under advisement until the meeting of April 14, 1977.

It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be continued under advisement until the Commission's Regular Meeting on April 14, 1977.

R77.10 - PROPOSED ACQUISITION OF PROPERTY BY THE SAN FRANCISCO PARKING AUTHORITY FOR CONSTRUCTION OF EMBARCADERO/MISSION PARKING GARAGE.
(POSTPONED FROM MEETING OF FEBRUARY 24, 1977).

Since the Commission had not certified the completion of the Environmental Impact Report for the proposed project, the Commission postponed consideration of this matter until the meeting of April 14, 1977.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE RESIDENTIAL ZONING CONTROLS INITIATED BY THE COMMISSION ON MAY 20, 1976.

THE FOLLOWING ASPECTS OF THOSE CONTROLS WERE CONSIDERED FOR MODIFICATION:

A. BUILDING HEIGHT AND BULK

THE PROPOSAL WAS TO MODIFY THE HEIGHT LIMITATIONS IN RH-1(D), RH-1, RH-1(S) AND RH-2 DISTRICTS.

B. STANDARD BUILDING AREA REQUIREMENTS

THE PROPOSAL WAS TO MODIFY THE BUILDING AREA REQUIREMENTS IN RH-1(D), RH-1, AND RH-1(S) DISTRICTS.

Mark Winogrand, Planner II, and Alan Billingsley, Planner II, summarized a memorandum which had been prepared on the matters before the Commission and which read as follows:

"Since the initiation of the residential zoning controls on May 20, 1976, the Department staff has had an opportunity to monitor and evaluate the effectiveness and desirability of those provisions. Later this year, public hearings are tentatively scheduled to begin regarding permanent adoption of the controls; at that time, the staff expects to place before the Commission a comprehensive modification of the standards based upon their performance during the prior year.

"However, two provisions initiated on May 20, 1976 have produced problems of sufficient concern that the staff is now proposing changes. The proposed changes involve:

"I Height limitations in FH-1(D), RH-1, RH-1(S) and RH-2 districts; and

"II Building area requirements in RH-1(d), FH-1 and RH-1(S) districts.

"I HEIGHT LIMITS IN RH-1(D), RH-1, RH-1(S) AND RH-2 DISTRICTS

"Background

"The May 20, 1976 controls established a principal height restriction of 30 feet in RH-1(D), RH-1, RH-1(S) and RH-2 districts, with 40 feet potentially allowable through the conditional use procedure of this Commission. The intent of these provisions was to provide maximum protection to neighborhoods while allowing a property owner design flexibility.

"Problem

"After ten months of experience with this height control, the staff feels that the protection provided by the conditional use procedure is not commensurate with the administrative burden imposed upon the Commission and staff, the delays imposed upon the person proposing to develop property, and the inconvenience imposed upon neighborhood residents and organizations who monitor conditional use applications in their area.

"The Commission has, thus far, heard and approved twelve such applications; several other applications are pending. In general, the applications approved have involved proposal buildings which either:

- "(1) are located adjacent to a structure of similar height; or
- "(2) are designed in such a way that the impacts of shadow-casting and apparent height as viewed from the street are reduced through a step-back of the building facade above 30 feet.

"The object of the following proposal is to establish administrative controls which would achieve the objectives mentioned above without requiring conditional use review.

"Proposal

"Basically, the proposal is to allow buildings to be developed to 35 feet in height in single-family districts, and to 40 feet in height in two-family districts; except that in most instances the front of a building would be further limited to 30 feet in height. To achieve this, it would be necessary to modify the provisions under 'Building Height and Bulk' on page 10 of the May 20, 1976 Memorandum. The paragraphs numbered 1, 2, and 3 at the top of page 10 should be deleted entirely and replaced with the following:

- "1. A height limit of 35 feet in RH-1(D), RH-1 and RH-1(S) districts, except within the front 10 feet of buildable area, as explained in 3, 4, and 5 below; and except as modified by applicable single-family provisions in Sec. 261(b) of the City Planning Code.
- "2. A height limit of 40 feet in RH-2 districts, except within the front 10 feet of buildable area; as explained in 3, 4, and 5 below.
- "3. In RH-1(D), RH-1, RH-1(S) and RH-2 districts, the Front Building Line established by applicable front set-back requirements may be developed to a height of 30 feet. From the Front Building Line to a point 10 feet toward the rear property line of the lot, the allowable height may increase at a constant rate from 30 feet to the maximum height allowed under provisions 1 and 2 above, except as explained in provisions 4 and 5 below.
(See Illustration 'A' on page 5.)

- "4. In RH-1(D), RH-1, RH-1(S) and RH-2 districts, the height limitations imposed for the first 10 feet of buildable lot depth in provision 3 above may be exceeded if the average height of the front building walls of one or both of the structures on immediately adjacent lots along the street frontage exceed 30 feet. In such an event, the allowable building height within the first 10 feet of buildable lot depth may equal but not exceed the average height of the front building walls of the nearest adjacent structures on immediately adjacent lots along the street frontage up to the maximum height allowed in provisions 1 and 2 above. (See Illustration 'B' on page 5.)
- "5. On corner lots and lots at alley intersections, the allowable height within the first 10 feet of buildable lot depth may equal but not exceed the height of the front building wall of the structure on the immediately adjacent lot on the street frontage. In no case shall the allowable height exceed the maximum height allowed in provisions 1 and 2 above.
- "6. A height limit of 40 feet in all RH-3, RM-1, RM-2 and R-C-1 districts.
- "7. Conditional use review of all buildings in residential districts exceeding 40 feet in height as defined by the Code.

"The staff feels that the controls enumerated above would be relatively easy to administer, would ensure compatibility of new development and would permit a substantial buildable area and reasonable design flexibility for the property owner.

"II BUILDING AREA REQUIREMENTS IN RH-1(D), RH-1 and RH-1(S) DISTRICTS

"Background

"When the City Planning Commission and the Board of Supervisors established the Interim Residential Zoning Controls (Sections 160-167 of the City Planning Code) in 1974, rear yard standards were substantially increased in R-2 through R-5 districts; however, single-family residential districts were excluded, retaining a 25-foot rear yard requirement for interior lots and a 20-foot rear yard requirement for corner lots.

"Under the provisions initiated on May 20, 1976, a building may occupy only the front 55 percent of a lot in any residential district, including single-family districts; except that a building may occupy up to 75 percent of a lot, subject to the

averaging of building lengths on adjacent lots. An amount of land equal to 45 percent of the lot area must also be developed as usable open space. These controls provide maximum protection for neighboring properties, while providing sufficient open space for each lot.

"Problem

"After ten months of experience with this control, it is the opinion of the staff that the application of this standard to single-family districts is inappropriate and overly-restrictive. There are many instances in which existing building patterns do not permit the single-family home owner to develop beyond the front 55 percent of lot depth, thereby prohibiting the addition of a room or deck to an existing dwelling, or prohibiting a creative design in a new dwelling.

"In many cases, expansion could be permitted beyond the front 55 percent of lot depth without creating a serious adverse impact on neighboring properties. In fact, the Department is presently holding 69 building permit applications which cannot be approved because of the restrictive provisions. Additionally, many property owners have expressed to the Department their concern that this control would prohibit them from constructing modest additions to their dwellings in the future. Also, in some cases involving lots of shallow depth, the rear yard requirement plus applicable front set-back requirements leave such a small buildable area that the lot is essentially undevelopable. All of the above conditions have contributed to an increase in the variance case load; creating an additional administrative burden for the Department.

"Proposal

"The proposal is to retain the usable space requirement of 45 percent of lot area for single-family districts, while allowing a basic building envelope of up to 75 percent. In order to accomplish this it will be necessary to delete the 'Standard Building Area Requirements' as presently written on page 12 of the May 20, 1976 Memorandum and substitute the following:

--Standard Building Area Requirements--

- "(a) Every building hereafter constructed in an RH-1(D), RH-1 or RH-1(S) district may occupy only the front 75 percent of the lot, except for required front set-backs and side yards.
- "(b) Every building hereafter constructed in an RH-2, RH-3, RM, RA-1, RA-2, R-C-1 or R-C-2 district may occupy only

the front 55 percent of the lot, except for required front set-backs and side yards. However, buildings may occupy up to 75 percent of the lot, except for required front set-backs and side yards, subject to the provisions of building length averaging shown on the document titled 'Building Length Averaging, Typical Situations' sheets 1 through 5, but in no case shall the additional building permitted by this provision occupy any portion of a required rear yard.

"The staff recognizes that the increased allowable buildable area proposed above for single-family districts would permit development which, if taken to the maximum height and bulk limits, could be potentially detrimental to neighboring properties. Experience in past years has shown that such abuses are found within a small percentage of those applications received. Therefore, until final Code language which attempts to deal with the small number of potential abuses is placed before the Commission for consideration later this year, applications which appear to be an abuse of these controls would be brought by the staff to the Commission for discretionary review consideration."

During the course of the presentation, Commissioner Boas arrived in the meeting room and assumed his seat at the Commission table.

Following the presentation, Mr. Winogrand and Mr. Billingsley responded to questions raised by members of the Commission and members of the public.

President Lau asked for a show of hands by individuals present in support of the staff's proposals and most of the individuals in the room responded. He then asked for a show of hands of those opposed to the staff's proposals; and approximately three individuals responded.

Oscar Fisher, representing the West of Twin Peaks Central Council, stated that his organization had held a meeting on Monday evening; however, since none of the members had a clear understanding of what was being proposed by the staff, no formal action had been taken regarding the proposed changes. Nevertheless, there was agreement that additional building height should not automatically be allowed without any opportunity for neighborhood input.

Paul Fries stated that he is a contractor who specializes in room additions and kitchen and bathroom remodeling. He remarked that many middle-income families in San Francisco live in houses with two bedrooms and one bathroom. Before the recent inflation occurred, such families tended to move to slightly larger homes as their families grew. Today, most growing families cannot afford to move; and, as a result, a common solution to the problem is to add a new bedroom and new bathroom with a total floor area of approximately 300 square feet to their present residence. Before the interim zoning controls were initiated by the Commission on May 20, 1976, he had averaged between twenty and thirty room additions a year;

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however, since the new rear yard standards have been in effect, he had completed only two room additions. He believed that the Commission's requirement for reserving the rear 45 percent of a lot for rear yard purposes reflected a sentiment that it is more important to have a large rear yard than to have adequate interior living space. He emphasized that there are only two other possible ways for property owners to expand their homes, and those consist of conversion of basement space or construction of an additional living floor. Many homes in San Francisco do not have basements which can be converted; and construction of an additional floor of living space has become extremely expensive because of new earthquake standards. As a result, most homeowners who wish to expand their living space choose to do so by means of post and girder construction to the rear of their buildings. He indicated that he had been in the remodeling business for thirty years in San Francisco; and during that time he had been aware of only one objection expressed by neighbors about post and girder construction in the rear yard area.

Commissioner Starbuck asked Mr. Fries if he has had experience in multiple-family residential districts. Mr. Fries replied that he had done some work in R-2 districts but that most of his work had been done in R-1 districts.

John Bardis, President of the Inner Sunset Action Committee (ISAC), stated that the members of his organization felt that zoning should reflect the character of existing development as closely as possible; and, since the changes being recommended by the staff would allow the construction of buildings which could change the existing character of the neighborhood without conditional use review by the Commission, he indicated that the members of his organization would be strongly opposed to the proposed changes. He also stated that he was concerned about the stock of low-income housing in the City; and he believed that the expansion of single-family homes increases their value and tends to remove them from the low-income housing stock. Furthermore, he felt that building additions could have a detrimental effect on neighboring property values by intruding into the "common" open area in the center of city blocks. He felt that proposals for building expansion into rear yard areas should continue to come before the Commission for conditional use authorization. In conclusion, he urged that the Commission defer action on the changes proposed by the staff until such time as all of the residential zoning controls are before the Commission for consideration.

Norm Mackabee stated that he owns a house with two bedrooms and one bath; and he indicated that he wanted to build a nine foot bathroom addition to his home. He had already had plans for the project prepared; and his neighbors had no objection to the project. He urged the Commission to adopt the changes being recommended by the staff so that he could proceed with his project.

Alex Armachau stated that he has only one bedroom in his house; and he advised the Commission that he would like very much to be able to construct a second bedroom.

Eric Jensen, a property owner in the Sunset district, stated that he owns an old cottage which covers only 33 percent of its lot. He had planned a two-room addition to the cottage which would bring the total lot coverage to 44

percent; however, such a project had not been possible under zoning standards presently in effect. While he did have the option of adding an extra story to the cottage, such construction would be more expensive and less attractive than a simple room addition.

Samuel Schneider felt that adoption of the changes being recommended by the staff would help to rectify some of the short-comings of the standards adopted by the Commission on May 20, 1976. As people who occupy houses in the City need more living space, zoning restrictions have resulted in smaller and smaller buildings; and he felt that some flexibility should be provided for individuals who require more living space.

Butch Swanson, a general contractor, supported the changes being recommended by the staff. He stated that he owns a pie-shaped corner lot in the Sunset district which has a street frontage of only 19 feet and a depth of 89 feet; and, given the present rear yard requirements of the City Planning Code, he would have hardly enough buildable area on the lot to construct a front porch. He believed that the revised standards being proposed by the staff would be extremely advantageous in such a case.

Roger Bernhardt, a property owner in the Richmond district, felt that the changes being recommended by the staff were sensible. He advised the Commission that he had worked hard to obtain "down-zoning" in the Richmond district; but he indicated that he had no objection to expansion of single-family houses in his neighborhood. If people are not allowed to expand their dwellings as their families grow, they will eventually have to move; and he believed that adoption of the changes being recommended by the staff would help to keep families with children in his neighborhood. While he agreed with Mr. Bardis that expansion of single-family dwellings does not help to maintain the low-income housing stock of the City, he felt that most of the single-family housing stock in the City had already been taken out of the reach of low-income families as a result of the citywide "down-zoning" of residential property. Currently, the only way to increase the low-income housing stock of the City is to allow housing to deteriorate; and he felt that that would be the wrong approach to take.

Vincent Walsh, President of the Residential Builders Association, stated that he was basically in favor of the changes which were being recommended by the staff; and he felt that the changes would help to relieve some of the problems which had been created by the interim controls which were adopted by the Commission on May 20, 1976.

Commissioner Bierman stated that she shared Mr. Bardis' concern about low- and moderate-income housing. However, because of current economic circumstances, many children are returning to their parents' homes; and, instead of shrinking, families are tending to expand. Under such circumstances, she felt that people should be allowed to proceed with reasonable expansion projects.

Mr. Bardis stated that the procedures adopted by the Commission on May 20, 1976, allow property owners to come before the Commission to request conditional

use authorization for expansion projects; and he did not feel that the right to expand buildings should be uninhibited.

After further discussion it was moved by Commissioner Rosenblatt and seconded by Commissioner Dearman that a draft resolution which contained the following resolved clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby make the following amendments to the zoning provisions initiated under City Planning Commission Resolution No. 7499, dated May 20, 1976, as modified by City Planning Commission Resolution No. 7515, dated June 24, 1976, and Resolution No. 7591, dated October 28, 1976:

"A) On the memorandum from Edward Murphy, Acting Director of Planning, to the City Planning Commission, entitled "Residential Zoning Study: Proposed Zoning Maps and District Standards", dated May 20, 1976, the paragraphs numbered 1, 2 and 3 at the top of page 10 should be deleted entirely and replaced with the paragraphs numbered 1, 2, 3, 4 and 5 on page 2, and 6 and 7 on page 3 of the memorandum from Rai Y. Okamoto, Director of Planning, to the City Planning Commission, entitled "Proposed Amendments to the Residential Zoning Controls Initiated May 20, 1976", said memorandum dated March 10, 1977; and

"B) On the same memorandum dated May 20, 1976, the provisions entitled 'Standard Building Area Requirements' as presently written on page 12 should be deleted and the paragraphs marked '(a)' and '(b)' on page 4 of the March 10, 1977 memorandum should be substituted;

"BE IT FURTHER RESOLVED, That Section 125 of the City Planning Code shall remain in effect with these revisions, limiting lot coverage on RH-1(D) lots to that previously permitted on R-1-D lots; and limiting lot coverage in RH-1 and RH-1(S) lots to that previously permitted on R-1 lots;

"AND BE IT FURTHER RESOLVED, That the City Planning Commission hereby declares its intention to exercise the Commission's powers of discretionary review over any building permit application using the revised controls, as described above, in a manner that might result in a building that would be detrimental to surrounding properties;

"AND BE IT FURTHER RESOLVED, That the declaration of intention of May 20, 1976, and the controls and procedures hereunder shall remain in effect, unless modified by further resolution of this Commission, until the effective date of permanent new zoning maps and controls enacted by the Board of Supervisors."

Commissioner Rosenblatt encouraged the staff, in reviewing applications to determine whether they should be brought before the Commission for discretionary review, to watch particularly for buildings projecting into rear yard areas in a manner which might interfere with the privacy of adjacent property owners.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7688.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 7, 1977.

The City Planning Commission met pursuant to notice in Executive Session at 11:00 a.m. to discuss personnel matters. The Executive Session concluded at 1:30 p.m. The Commission reconvened at 2:00 p.m. in Room 202, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Patricia Salinas, Staff Assistant III, Robert Feldman, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; Annie Nakao, represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of March 17, 1977, be approved as submitted.

CURRENT MATTERS

Robert Passmore, Planner V (Zoning), indicated that the Commission had received a request to conduct a discretionary review of a building permit application for the construction of horse stalls in Golden Gate Park. However, the staff had been advised by the City Attorney's Office that the Commission lacks jurisdiction in the matter because of Charter language which gives the Recreation and Park Commission "complete and exclusive" control over park lands.

Rai Y. Okamoto, Director of Planning, reminded the Commission of a field trip scheduled with the San Francisco Council of District Merchants Associations on April 21 at 12:00 noon. He indicated that commercial shopping districts on Twin Peaks and in the Sunset District will be visited on that date.

The Director reported on modifications made by the Mayor in the Department of City Planning's proposed budget for the next fiscal year and indicated that the budget will be reviewed by the Finance Committee of the Board of Supervisors on Friday, April 15, at 2:00 p.m.

The Director advised the Commission that he will attend a meeting at 1:00 p.m. next Tuesday where the proposal to designate the Civic Center as an historic district will be discussed.

The Director informed the Commission that he is preparing comments on the proposal before the Board of Supervisors to create a Department of Transportation and to remove from the Department of City Planning its responsibilities for transportation planning.

The Director reported that he had met with representatives of the Redevelopment Agency to discuss the redevelopment survey area in the Northeastern Waterfront from Pier 7 to China Basin. He indicated that the Memorandum of Understanding between the Redevelopment Agency and the Department of City planning has not yet been completed.

The Director noted that members of the Commission had received copies of a letter sent to the Redevelopment Agency by the Chinatown Coalition for Better Housing objecting to the Agency's unwillingness to pursue a housing project on property at Stockton and Washington Streets. Following a discussion in which William Mason of the Redevelopment Agency participated, the Commission determined that the site might qualify as a redevelopment project area under State law if it is included in a larger area.

The Director noted that he had conducted a meeting last Saturday in the Tenderloin District to discuss designation of that neighborhood as a Rehabilitation Assistance Program (RAP) area. The principal concern expressed was that such a program might result in rental increases which would make it difficult for present residents to remain in the area.

The Director indicated that he had attended a meeting in Sacramento to discuss an Urban Development Strategy Report which is being prepared by the Governor's Office of Planning and Research.

The Director indicated that supplemental projects had been received from various City Departments for the 1977-78 through 1982-83 Capital Improvement Program; and he stated that he would be prepared to act administratively on the projects if the Commission had no objection to that procedure. In the absence of objections from the members of the Commission, President Lau requested the Director to act administratively on the projects.

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The Director recommended the adoption of a draft resolution which had been prepared to authorize President Lau and himself to designate the individuals who will represent the Commission and the Department of City Planning at the annual conference of the American Society of Planning Officials which will be held in San Diego from April 23 through 28. It was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7689.

CONSIDERATION OF A RESOLUTION RESCINDING RESOLUTION NO. 7500 DIRECTING THE STAFF TO BRING TO THE COMMISSION'S ATTENTION ANY BUILDING PERMIT APPLICATION WHICH EXTENDS BEYOND THE FRONT 55% OF LOT AREA THROUGH THE USE OF BUILDING LENGTH AVERAGING, ESTABLISHED BY THE CONTROLS INITIATED ON MAY 20, 1976; AND DIRECTING THE STAFF TO BRING TO THE COMMISSION'S ATTENTION ONLY THOSE BUILDING PERMIT APPLICATIONS THAT MIGHT RESULT IN A BUILDING THAT WOULD BE DETRIMENTAL TO THE SURROUNDING PROPERTIES.

Robert Passmore, Planner V (Zoning), indicated that a draft resolution which read as follows had been prepared at the request of the Implementation Committee of the Commission:

"WHEREAS, On May 2, 1976, under Resolution No. 7499 the residential areas of San Francisco based on zoning maps and controls submitted to the Commission by the Department of City Planning; and

"WHEREAS, One of the zoning controls initiated by said Commission action would, in certain circumstances, allow the construction of dwellings having a greater depth than previously allowed under the interim residential zoning controls, (Section 162 of the City Planning Code); and

"WHEREAS, On May 27, 1976, under Resolution No. 7500, the City Planning Commission directed the staff to bring to the Commission's attention any building permit application proposing construction on property previously subject to the limitations of Section 162 of the City Planning Code that would exceed the building depth previously permitted by Section 162 through use of the zoning controls initiated under Resolution No. 7499, and declares its intention to exercise the Commission's powers of discretionary review over any such building permit application that might result in a building that would be detrimental to surrounding properties; and

"WHEREAS, The staff has brought such permits to the Commission's attention for the past ten months, and none of these permits have appeared to be detrimental to existing dwellings in the immediate vicinity; and

"WHEREAS, The City Planning Commission believes that, based on this past experience, it should review only those permits which the staff feels could have a detrimental effect on existing dwellings in the immediate vicinity:

"THEREFORE BE IT RESOLVED, That the City Planning Commission hereby rescinds its Resolution No. 7500; and

"THEREFORE BE IT FURTHER RESOLVED, That the City Planning Commission hereby directs the staff to bring to the Commission's attention any building permit application proposing construction on property previously subject to the limitations of Section 162 of the City Planning Code that would exceed the building depth previously permitted by Section 162 through use of the zoning controls initiated under Resolution No. 7499, and declares its intention to exercise the Commission's powers of discretionary review over any such building permit applications that the Commission feels might result in a building that would be detrimental to surrounding properties."

Commissioner Starbuck, Chairman of the Implementation Committee, recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7690.

EE76.420-PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SAN FRANCISCO PERFORMING ARTS CENTER GARAGE, GROVE STREET BETWEEN GOUGH AND FRANKLIN STREETS.

Alec Bash, City Planning Coordinator, stated that the legal period for review of the Draft Environmental Impact Report by the State Clearing House had not yet expired. Therefore, while the Commission could proceed with the public hearing, it would not be able to take action on the report during today's meeting. He then summarized the report and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by the members of the audience including Harvey Milk; Mark Joplin; Paul Hardman, representing the Pride Foundation; Stewart Bloom; Anna Darden, President of the Haight Ashbury Neighborhood Council (HANC) and a representative of San Francisco Tomorrow; Hank Wilson, representative of the San Francisco Gay Democratic Club; and Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board.

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Selina Bendix, Environmental Review Officer, commented on some of the testimony which had been presented.

After further discussion, it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be taken under advisement until the Commission's Meeting on April 28, 1977.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, David Worts a shorthand reporter, was present and will prepare a transcript which will be available in the files of the Department of City Planning.

**R77.8 - ACQUISITION OF PROPERTY BY SAN FRANCISCO PARKING
AUTHORITY FOR PERFORMING ARTS CENTER GARAGE, GROVE
STREET BETWEEN GOUGH AND FRANKLIN STREETS.**

Since the Commission had not taken final action on the Environmental Impact Report for this project, this matter was postponed until the meeting of April 28, 1977.

**CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NOS. 458111, 458114, 458115, and 458117
FOR FOUR-SINGLE FAMILY DWELLINGS ON THE WEST SIDE OF ELSIE
STREET SOUTH OF ESMERALDA AVENUE.**

Robert Passmore, Planner V (Zoning), stated that the individuals who had filed the request for discretionary review of the subject building permit applications had subsequently requested the Board of Supervisors to declare a moratorium on any new construction on Elsie Street; and the Board had asked the Department of City Planning to comment on that proposal. Under the circumstance, he felt that it would be preferable for the Commission to defer action on the request for discretionary review until such time as the issue before the Board has been resolved.

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that consideration of the request for discretionary review be postponed indefinitely.

**CU77.3 - 3120 MISSION STREET WEST LINE, SOUTH OF ARMY
STREET.**

**REQUEST FOR AUTHORIZATION TO ALLOW USE OF SECOND
AND THIRD FLOORS OF THE UNOCCUPIED SEARS STORE FOR
STORAGE OF HOUSEHOLD GOODS; IN A C-2 DISTRICT
(EE76.466).**

Robert Passmore, Planner V (Zoning), stated that the Commission had received a letter dated March 14, 1977, from Richard F. Koch, the applicant, requesting that this application be withdrawn; and he recommended that the Commission adopt a draft resolution approving the withdrawal without prejudice.

It was moved by Commissioner Dearman, seconded by Commissioner Starbuck and carried unanimously that Resolution No. 7691 be adopted and that the request for withdrawal of Application CU77.3 without prejudice be approved. At this point in the proceedings, Commissioner Rosenblatt absented himself from the meeting room for the remainder of the meeting.

DISCUSSION OF ALTERNATE USES FOR THE UNOCCUPIED SEARS STORE
AT 3120 MISSION STREET.

President Lau stated that the staff of the Department of City Planning had approved a building permit application for use of the ground floor of the unoccupied Sears building by the State Employment Development Department because of its understanding that the City has no jurisdiction over use over use of office space owned or leased by the state. When the Commission had become aware that neighborhood organizations were concerned about the action which had been taken by the staff, the Commission had requested that a general discussion of alternate uses for the space be scheduled.

Robert Passmore, Planner V (Zoning), stated that the issuance of the permit for the State Employment Development Department had been appealed to the Board of Permit Appeals and had been calendared for consideration before that Board on the previous evening; however, since the Board had understood that the Commission would be discussing alternate uses of the building at the present meeting, it had deferred action on the permit matter.

Ramon Barbieri, President of the Mission Planning Council, stated that the members of his organization had no objection to the proposed use of the second floor of the building by the Community College District; however, they did object to use of the first floor of the building by the State Employment Development Department. He remarked that there will be approximately 5,000 people going in and out of the Employment Development Department's offices each day; and he felt that the downtown area is the only part of the city which is equipped to handle that many people. Furthermore, the proposed Economic Development Department office would not generate jobs for people living in the Mission District since the State would merely transfer employees to the site from existing facilities. Although Community College District use of the second floor of the building would cause some problems in the neighborhood, the members of his organization would be willing to cope with those problems because of the benefits which the use will bring to the area. In conclusion, he stated that he hoped that uses could be found for the first and third floors of the building which would contribute to the improvement of the Mission District.

Commissioner Starbuck asked if the State had signed a lease with the owners of the property prior to the time that the permit for alteration of the ground floor of the building was issued by the City. Mr. Barbieri replied in the negative.

Richard Koch, one of the owners of the building, stated that exhaustive efforts had been made to find tenants for the building since 1974. Aside from the economics of the situation, he felt that the neighborhood would benefit from having the building occupied since the vacant building is an eyesore. He indicated that the Community College District has been anxious to establish a facility in the Mission District, and he advised the Commission that occupancy of the ground floor by the State Employment Development Department would help to make use of the second floor space by the Community College District more economically viable. While some individuals and organizations had expressed objection to the State office use, the merchants in the area had supported the proposal.

Commissioner Starbuck remarked that the conditional use application for use of the upper two floors of the building for household storage had been before the Commission on February 3; and, when the Commission had taken that matter under advisement, members of the Commission had been of the understanding that no commitments would be made for use of the building pending further discussion of the matter by the Commission. Nevertheless, considerable activity had ensued; and the Commission, which had not itself been aware of the activity, had been blamed for not communicating with concerned neighborhood organizations. To avoid that sort of situation in the future, he suggested that the owners of the property should work directly with neighborhood organizations as well as merchants groups as plans for the building evolved.

Mr. Koch stated that he had been in touch with the Mission Planning Council and had responded to an exhaustive list of questions which that organization had submitted concerning the proposed State office use of the ground floor. He also indicated that other uses of the site were being considered which would more than likely be acceptable to the Mission Planning Council such as a restaurant, a produce and fresh vegetable operation, and a tire and battery operation.

Seraphin Sanchez, a resident of the Mission District for 30 years, remarked that the Mission District has an unemployment rate in excess of 46% and is in a depressed state at the present time. Under the circumstances, he felt that it would be very inappropriate to install an office which hands out unemployment checks in the area. Such a use would result in further "dehumanization" of the people who live in the area. While the argument had been presented that the Employment Development Department office would be needed to make use of the second floor space by the Community College District

economically viable, he felt that the Community College District should be able to arrange to use a facility in the area which is surplus to the needs of the San Francisco Unified School District. He stated that he was opposed to the concept of having an office of the Employment Development Department in the subject building.

Everett Walsh, representing Department Store Employees Union No. 1100 and the San Francisco Renaissance Committee, stated that he was opposed to any occupancy of the building which would not produce new jobs for residents of the Mission District. He was of the opinion that the only way to fight crime is to provide jobs; and he felt that it was incumbent of the City and its official agencies to find occupants for the vacant Sears, Pennies and White Front stores which will provide jobs and services for San Francisco.

Luisa Esquerro, a member of the Mission Planning Council, realized that the owners of the subject buildings have the right to derive an income from their property; however, she felt that an effort should be made to find tenants who would bring new employment opportunities to the area. She indicated that her organization would be willing to work with the owners of the building to find suitable tenants but she felt that the Commission should continue to be involved, particularly in view of the fact that it had formed a "partnership" with the Mission Planning Council when it endorsed the policy plan for the Mission District.

O. M. "Jim" Corbett stated that he had operated a business across the street from the Sears Store for 37 years; and he indicated that he had not been aware of the existence of the Mission Planning Council. However, he hoped that the members of that organization and merchants in the area would be able to work together to find tenants for the Sears Store which would contribute the most to the Mission and the people who live in the area.

Dick Hyde, representing Coldwell Banker Inc., stated that he and other realtors had been attempting to find tenants for the building for more than two years; and, during that time, the State Employment Development Department was the only major tenant to emerge. He remarked that the building was constructed in 1928; and, as a result, it has a great deal of functional obsolescence.

Roger Otto, representing the Mission Merchants Association, remarked that Mission Street is punctuated with depressed areas; and he felt that any tenants who could be found for vacant buildings such as the Sears Store and stores in the vicinity of 16th and Mission would help to reactivate the area.

President Lau, noting that Claire Pilcher, a member of the Board of Permit Appeals, was present in the audience, asked her if her Board wanted anything specific from the City Planning Commission with regard to the issue under discussion. Ms. Pilcher replied in the negative, indicating that her Board had been reluctant to act on the permit matter in view of the fact that the Commission was scheduled to conduct this general discussion of alternate uses for the building. She stated that she would relate comments made by members of the audience and members of the Commission to her own Board.

Commissioner Bierman stated that she would prefer that a use be found for the building which would be acceptable to the residents of the community, however, she appreciated the fact that the people who own the property and are paying taxes on it have a right to realize a return on their investment. Still, she hoped that the owners of the building would be able to take additional time to find tenants who would be acceptable to the members of the neighborhood organizations.

Dennis Wright, representing the owners of the building, stated that they are paying \$400.00 a day interest on the property. He indicated that use of the entire building for retail purposes would produce the most revenue; however, it appeared that such an objective is unrealistic at the present time. Although occupancy of the building by the Community College District and the State of California may represent a less than optimal utilization of the building, he felt that such occupancy might help to reverse the current trend of the neighborhood.

Commissioner Starbuck asked if big retail operations had been deterred by the location of the building or if they had objected to the building itself. Mr. Hyde replied that disinterest in the building had been generated by a variety of factors, including the location of the building and the design of the building itself.

Commissioner Starbuck then asked Mr. Otto if the Mission Merchants Association had checked with Merchants Associations in other communities to determine if offices of the State Employment Development Department tend to generate retail activity. Mr. Otto replied that his organization had checked with other merchants organizations in other communities and had determined that offices of the State Employment Development Department have not caused problems. In fact, a merchants organization in Los Angeles had strongly objected when the State had proposed to close an Employment Development Department Office in their area.

Juan Sanchez, a Planner for the Mission Planning Council, advised the Commission that he had found that traffic data which had been provided by the State Employment Development Department had been inaccurate.

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At the conclusion of the discussion, President Lau urged the owners of the property to work with the Mission Planning Council, the Mission Merchants Association, and other concerned organizations to find the best possible tenants for the building.

At 4:45 p.m. President Lau announced a 15 minute recess. The Commission reconvened at 5:00 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Dearman was absent for the remainder of the meeting.

DR77.12 - 145 CARMEL STREET, SOUTH LINE, 100 FEET EAST OF SHRADER STREET.

DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR A THREE-UNIT BUILDING WITH A HEIGHT OF 33 FEET ON A LOT OF 4500 SQUARE FEET; IN AN R-2 AND PROPOSED RH-2 DISTRICT.

(Continued from meeting of March 3, 1977.)

Robert Passmore, Planner V (Zoning) stated that the Department of City Planning had addressed correspondence to the Fire Department, the City Attorney, and the Bureau of Building Inspection concerning this matter and had thus far not received replies from those agencies. In addition, the Department had received requests for further postponement from the applicant and from residents of the neighborhood. As the Commission already has a crowded calendar for the zoning hearing which will be held in May, he recommended that this matter be continued until the Commission's meeting on June 2.

A resident of the neighborhood stated that she had not joined in the request for further postponement. However, if the matter were to be postponed, she urged that it be added to the front of the Commission's calendar for May 5.

After discussion it was moved by Commissioner Wentz, seconded by Commissioner Elliott, and carried unanimously that the matter be further postponed until the Commission meeting to be held on June 2, 1977. Commissioner Bierman abstained from voting noting that she had previously obtained permission from the Commission to abstain from participation in consideration of this matter because she owns property within a 300 foot radius of the site.

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CU77.13 - SUNNYDALE AVENUE, SOUTH LINE, APPROXIMATELY 185
RS76.13 - FEET EAST OF MERLA COURT.
REQUEST FOR AUTHORIZATION FOR A SUBDIVISION OF
12 LOTS EACH WITH A WIDTH OF APPROXIMATELY 26
FEET AND FRONTING ON A NEW STREET TO BE KNOWN
AS TOMASO COURT; IN AN R-1 AND PROPOSED RH-1
DISTRICT

Robert Passmore, Planner V, (Zoning), referred to land use and zoning maps to describe the subject property which has 91 feet of frontage on Sunnydale Avenue and which contains 5 - 2610 square feet of lot area. The property is occupied by one-single family house which was recently constructed. The applicant proposed to subdivide the property into 13 lots for the purpose of constructing 12 additional houses. A new cul de sac would be installed for dedication as a City Street to be known as Tomaso Court. The proposed houses would have three or four bed-rooms and 1700 to 2000 square feet of living space on lots of 2575 square feet. The sales price of the houses was estimated to be in a range from \$60,000.00 to \$70,000.00 each.

President Lau asked if anyone were present to speak in opposition to the proposal and received a negative response.

Mr. Passmore recommended that the conditional use application for subdivision of the property into lots with widths less than 33 feet and with less than 2640 square feet of lot area approved subject to five specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the proposed conditions, he recommended that the draft resolution be adopted.

It was moved by Commissioner Elliott, seconded by Commissioner Wentz, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7692.

Subsequently, Mr. Passmore recommended that a draft resolution be adopted approving the proposed subdivision as being in conformity with the Master Plan.

C 77.5 - BUCHANAN STREET, EAST LINE, 37.5 FEET NORTH OF
SUTTER STREET. R-3 AND R-4 TO A C-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is presently being cleared. He indicated that the San Francisco Redevelopment Agency had filed the subject application to rezone the property for commercial use to allow development of a three-story building with commercial space on the first floor and ten apartment and town house units above in keeping with the land uses stipulated for the subject site under the Redevelopment Plan. The cooperation agreement between the City and the Redevelopment Agency would require that the proposed reclassification be approved by the Commission; and, as a result, he recommended that the application be approved.

No one was present in the audience to speak in opposition to this matter.

After discussion it moved by Commissioner Elliott, seconded by Commissioner Wentz, and carried unanimously that Resolution No. 7694 be adopted and that the application be approved.

CU77.9 - 1153 BUSH STREET, SOUTH LINE, 117.5 FEET EAST OF
HYDE STREET.
REQUEST FOR AUTHORIZATION FOR A PRIVATE RECREATION
CLUB WITH FACILITIES FOR MASSAGE, HEAT AND WATER
THERAPY IN THE EXISTING 4-LEVEL BUILDING; IN AN
R-5-C AND PROPOSED R-C-4 DISTRICT

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 42.5 feet on Bush Street and a depth of 137.5 feet for a total area of 5843.75 square feet. The property is occupied by a four-level brick building which was built in 1911 as a single-family dwelling with office space. The building is presently occupied by a four-room apartment and 13 sleeping rooms. The applicant proposed to operate a private recreation club within the existing building. Mr. Passmore stated that the City Planning Code provides that a private club would be allowed on the upper floors of the building only by conditional use authorization and only if the chief activity of the club is not one customarily carried on as a gainful business. When the subject application was first filed, the staff had been under the impression that the proposed club would not be operated as a gainful business; however, it now appeared that the club would be operated for profit and that it would not qualify for conditional use authorization. In any case, the Negative Declaration for the project was not issued until April 1; and the Commission would not be able to act on the application until the appeal period expires on April 11.

William W. Jones, the applicant, remarked on the uniqueness of the building. He indicated that it was built in 1911 by a doctor, who lived on the upper floors of the building and maintained offices on the lower floors. The building has a grand stairway and a large hall which consumed a great deal of space; and, as a result, it would be very difficult to use the building for residential purposes. One part of the building is used as a boarding house at the present time. Only one third of the rooms are occupied. Given the awkwardness of the building, he felt that the entire building should be used for commercial purposes. In conclusion, he indicated that the club which he proposed to operate would have basically the same facilities as the Pacific Union Club or any other private club in the city.

Mr. Passmore asked if the proposed club would have non-profit status. Mr. Jones replied in the negative.

Commissioner Starbuck, noting that Mr. Jones had previously operated the Sutro Baths at 455 Valencia Street, asked if the proposed club would be of the same nature as the other facility. Mr. Jones replied that the Sutro Baths had started out as a bath house but had been a financial failure. Therefore, he had changed the nature of the facility into that of a private membership club which provides people with an alternative to going to bars to meet other people. The proposed club would be an expanded version of that type of operation.

Commissioner Starbuck then noted that the file contained a letter from the Executive Vice President of the Saint Francis Memorial Hospital which indicated that he had not been contacted by Mr. Jones and that it was his opinion that the proposed club would be of value to the staff or patients of his hospital; and he asked if employees of the hospital would be able to use the proposed club. Mr. Jones replied that anyone could become a member of the club.

Susan Jefferies, a resident of a building next door to the subject property, stated that she did not feel that her neighbors would be in favor of the applicant's proposal; and she doubted that this type of club proposed would be desirable in a residential neighborhood. She stated that parking is almost impossible in the subject neighborhood at the present time; and she felt that the proposed club would increase traffic and parking congestion in the area. If the club were to serve as a "meeting place", as indicated by the applicant, she indicated that it might attract an undesirable type of individuals to the area.

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Mr. Passmore stated that he was prepared to recommend that the subject application be disapproved because the club would not have non-profit status and would provide no off-street parking. However, because the appeal period on the Negative Declaration had not yet elapsed, he recommended that the matter be taken under advisement until the Commission's meeting on April 14.

Commissioner Bierman asked if the staff agreed with the applicant that the building would not be suitable for residential use. Mr. Passmore replied that members of the staff had not been inside of the building.

After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Wentz and carried unanimously that this matter be taken under advisement until the meeting of April 14, 1977.

CU77.10 - 1363 --5TH AVENUE, WEST SIDE, 200 FEET NORTH OF JUDAH STREET.

REQUEST FOR AUTHORIZATION TO EXPAND AN EXISTING RESIDENTIAL CARE FACILITY FOR THE ELDERLY FROM 6 TO 10 PATIENTS; IN AN R-2 AND PROPOSED RM-2 DISTRICT (EE77.48)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet on 5th Avenue and a depth of 120 feet for a total area of 3000 square feet. The property is occupied by a building which was constructed as a single-family house and which is presently being used as a residential care facility for six elderly ambulatory patients. The applicants proposed to expand the use by installing four additional beds so that the facility would accommodate a total of ten patients. No alterations to the building were being proposed.

President Lau asked if anyone were present were to speak in opposition to the application and received a negative response.

Mr. Passmore recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Elliott and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7695 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

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CU77.12 - 300 JEFFERSON STREET, NORTHWEST CORNER OF JONES STREET.

REQUEST FOR AUTHORIZATION TO REMODEL THE SPORTS FINISHING CENTER TO ALLOW EXPANDED DINING FACILITIES ON THE UPPER FLOOR AND A NEW BUILDING FACADE; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT USE DISTRICT No. 1. (EE77.50).

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 50 feet on Jefferson Street and 22 feet on Jones Street for a total lot area of 1100 square feet. The property is occupied by an existing two-story wood frame building which houses a sport fishing boat agent, a fishing supply retail counter, a sandwich counter and a curio shop. The second floor of the building is used as an office for the uses below and for storage. The applicant proposed to reconstruct and remodel the existing building, including the addition of dining facilities to the second floor and the raising of the roof-line by 3 feet. The facade of the buildings would be remodeled. The present ground floor uses would be renovated and would remain. The building would have a total of approximately 2000 square feet of occupied floor area, with a 72-seat dining capacity upstairs and a 40-seat capacity in the coffee shop area downstairs. The applicant had a 30 year lease on the property which is owned by the Port Commission.

President Lau asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

Mr. Passmore recommended that the application be approved subject to four specific conditions which were contained in draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Paul Capurro, the applicant, stated that he objected to Condition No. 1 of the draft resolution which specified that the remodelling should be done in conformity with Exterior Sketch "C" dated March 10, 1977.

Mr. Passmore explained that the applicant wished to proceed with plans for a brick facade for the building whereas the staff of the Department of City Planning preferred an alternate treatment which has also been proposed by the applicant.

Charles Gill, City Planning Coordinator, stated that the Plan for the Northeastern Waterfront contains policies which emphasize the importance of maintaining the maritime character of a Fish Alley; and he remarked that no use of brick work is visible on the alley at the present time. While the staff would find the use of brick at the lower portions of the facade acceptable, he felt that the basic elements of the facade should be constructed of wood.

Mr. Capurro remarked that many buildings in the area, at least one of which was built recently, are constructed of brick; and he felt that use of brick would help to distinguish his building from the building next door. He stated that he had no objection to the other conditions which had been recommended by the staff.

After further discussion it was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the draft resolution be adopted.

Commissioner Starbuck stated that he sympathized with the concerns which had been expressed by the applicant. However, he noted that the Northeastern Waterfront Plan had recently been amended after a year of planning effort in which a broad-based citizen's advisory committee had been actively involved, and he agreed with the staff that a wooden facade for the proposed building would be more in keeping with the character of the area.

Mr. Capurro felt that the owners of buildings should be able to exercise some originality in the design of their buildings.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7696 and to approve the application subject to the conditions which had been recommended by Mr. Passmore.

At this point of the proceedings Commissioner Wentz absented himself from the meeting room for the remainder of the meeting.

DR77.15 - 1631 SHAFTER AVENUE, SOUTH LINE, 57.582 FEET SOUTH OF 3RD STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE
REQUEST FOR AUTHORIZATION TO CONVERT A ONE-FAMILY
HOUSE INTO A CHURCH TO ACCOMMODATE 80 PERSONS; IN
AN R-2 AND RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 50 feet on Shafter Avenue and a depth of 100 feet for a total area of 5000 square feet. The property is occupied by two single-family wood-frame houses. The applicant proposed to convert the house on the western side of the lot into a church. Several non-bearing interior partitions of the house would be removed to provide a space for the sanctuary. No exterior modifications were being proposed. Services will be conducted on Wednesday, Friday and Sunday evenings

and on Sunday morning. The property adjacent to the subject site on the west is zoned commercially and is developed with a fast food shop with a frontage on 3rd Street. The City Planning Code requires off-street parking for churches at the proportion of one space for every eight seats where there are more than 100 seats. Since the proposed church would have only 80 seats, no off-street parking would be required by the City Planning Code. However, the parking lot of the fast food outlet on the adjacent property would be available for use by members of the church on Sunday mornings.

Herbert Blanchard, 1613 Shafter Avenue, remarked that the subject property is across the street from a saloon; and he asked if any laws exist which would prohibit the construction of a church within a certain distance of a saloon.

Mr. Passmore replied the laws may exist which restrict the opening of saloons in the vicinity of churches; but he was not aware of any circumstances which would proscribe churches from being established in the vicinity of saloons.

Mr. Blanchard stated that five or six churches already exist within a few blocks of the subject site; and he questioned whether there was any necessity for an additional church. He also emphasized that the neighborhood has a parking problem.

Mr. Passmore recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He then summarized the conditions, one of which read as follows: "That this authorization is contingent upon the owner of the subject property recording on the land records notice of special restrictions which declares that members of the applicant church may have the use of the off-street parking spaces on lot 5, adjacent to the subject property, during the regular hours of church activities."

James Blanding, representing the applicant, voiced objection to Condition No. 3 of the draft resolution. He indicated that it would be possible to obtain a letter from the fast food establishment on the adjacent property agreeing to allow members of the church to use the parking lot when it is not needed for customer parking; however, the owner of the property was reluctant to have any restrictions entered on the land records. He advised the Commission that it would be possible to park five automobiles on the subject property in addition to the three automobiles which could be accommodated in the garage on the side.

Commissioner Starbuck felt that it was essential that parking should be provided for the proposed church; and he believed that if it would be legally possible to enter a notice of special restrictions on the land records which could be revocable.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Elliott, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7697 and that the application be approved subject to the conditions which have been recommended by Mr. Passmore.

DR77.18 - 2413 PACIFIC AVENUE, NORTH LINE, 173.58 FEET WEST OF FILLMORE STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION TO CONVERT THE EXISTING ONE-FAMILY HOUSE TO A THREE-UNIT HOUSE ON A LOT HAVING AN AREA OF 10,186 SQUARE FEET IN AN R-1 AND PROPOSED RH-1 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has an 80 foot frontage on Pacific Avenue and a depth of 127.8 feet for a total area of 10,186 square feet. The property is occupied by a four-level, single-family brick house with attached two-car garage and a paved parking area of approximately 2,000 square feet. The site has approximately 6,000 square feet of open space, of which half is paved. The zoning standards to which the property is subject would allow the Commission to approve one dwelling unit for each 3,000 square feet of lot area; and the applicant had proposed to convert the existing single-family house into three apartment units with separate outside entrances.

Della D. Figari, the applicant, stated that she and her husband had been interested in purchasing a large single-family house which could be converted into three dwelling units. After viewing the subject property, she had visited the staff of the Department of City Planning to determine whether the building could be converted; and, subsequently, she had presented her proposal to the Board of Directors of the Pacific Heights Association. After the Board of that organization had voted 6 + 01 + 0 approved the proposal, she had signed a sales purchase agreement and had made a deposit of 10% of the purchase price. The property is presently in escrow with the sale scheduled to be finalized on May 15. If the sale does not go through, she will lose the money which she had deposited.

Commissioner Bierman asked if the approval of the Board of the Pacific Heights Association had been given to the applicant in writing. Mrs. Figari replied in the negative, indicating that the Board had approved only the project which she proposed and did not wish to be on record in favor of converting the building in case it was not purchased by her and her husband. She assured the Commission that she was very concerned about preserving the structural character of the building both inside and outside; and she believed that the alterations which were proposed were so minimal that they would not be noticed except for the fact that certain parts of the building would be closed off from other parts of the building.

When completed, the building would be divided into front and rear townhouses on the lower floors with a third unit on the top floor. Three hallways would be closed; and certain rooms would be converted for specialized use such as kitchens and bathrooms. She also intended to lower the front fence on the property, to delete a cloak-room which had been added to the building, and to hide some of the plumbing pipes on the exterior of the building. She also intended to install additional landscaping on the site. She stated that she had not been aware of any opposition to the project until a protest movement was started earlier in the week.

Commissioner Starbuck inquired about the amount of on-site parking which would be available. Mrs. Figari replied that it could accomodate a total of six off-street parking spaces, all having independent access. Therefore, occupancy of the building by three families, each having two cars, should create no problems.

John C. Walker, Chairman of the Pacific Heights Association, read and submitted the following prepared statement:

"On March 7, the Board of Directors of the Pacific Heights Association met and heard the proposal of Mr. & Mrs. Figari for subdividing the Frankel property at 2418 Pacific.

"The Board approved the proposal in principal based upon Mrs. Figari's stated program. This meeting was held prior to the official notification of adjacent neighbors of the application for additional units and therefore did not fully reflect the neighbors feelings one way or the other.

"Nevertheless, the reasons for the approval by the Board are stipulated herein:

1. It was a legal subdivision under the May 20, 1976 memorandum
2. It saved a quality residential structure
3. It provided large family housing 3 & 4 bedroom units
4. Curb cuts were limited to one whereas there could be three with the allowable three houses
5. Off street parking was two per unit
6. The subdivision assured the neighborhood that the property would not become institutionalized
7. The price of the units (over 200,000 each) would not lower the quality of the neighborhood
8. The subdivision by providing more family units would preserve the residential character of the neighborhood

9. That this was an individual case study and any judgement would not be considered precedent setting.
10. The fringe quality of the block between R-1, R-2, & R-3 did not make this conversation in any way non-conforming.
11. That the subdivision be limited to condominiums to encourage owner occupants.
12. That the Pacific Avenue fence be removed and some landscaping be added to shield automobiles from the street.

"This approval was made in principal only and would be subject to final review of the actual plans, to assure that our general policies had been adhered to."

President Lau apologetically announced that the Commission would shortly be without a quorum; and, since it was apparent that there were a number of people in the audience who wished to address the Commission on this matter, he suggested that the hearing should be continued to another date. After discussion, it was moved by Commissioner Elliott, seconded by Commissioner Starbuck and carried unanimously that this matter be continued until the Commission's meeting on April 14 at 1:30 p.m.

DR77.13 - 1026 VALLEJO STREET, NORTH LINE 114.2 WEST OF TAYLOR STREET; AND 961 GREEN STREET, SOUTH LINE, 200 FEET WEST OF TAYLOR STREET. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR TWO SEVEN-UNIT BUILDINGS, THE ONE FRONTING ON VALLEJO STREET TO BE 40 FEET IN HEIGHT ON A LOT OF 11,674 SQUARE FEET; IN AN R-4 AND PROPOSED RH-2 DISTRICT (Postponed from meeting of March 3, 1977).

Robert Passmore, Planner V (Zoning), advised the Commission that the nature of the subject application had changed to such an extent that he felt that new notification to property owners within a 300 foot radius of the site was warranted. Therefore, he recommended that the public hearing on this matter be further postponed until the meeting of May 12, 1977.

It was moved by Commissioner Bierman, seconded by Commissioner Starbuck and carried unanimously that this matter be further postponed until the meeting of May 12, 1977.

The meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 14, 1977.

The City Planning Commission met pursuant to notice on Thursday, April 14, 1977, at 1:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Roger Boas and his alternate Virgil L. Elliott, Ina F. Dearman, Charles Starbuck, and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Charles Gill, City Planning Coordinator; Robert Feldman, Planner II; Robin Jones, Planner II; Mark Winogrand, Planner II; Dave Stein, Volunteer; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; Dan Borsuk represented the San Francisco Progress; and Corey Michaels represented the Noe Valley Voice.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the minutes of the meeting of March 24, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of a field trip scheduled for next Thursday, April 21, at 12:00 noon with the San Francisco Council of District Merchants Associations.

The Director reported that the Finance Committee of the Board of Supervisors would consider the Department of City Planning's proposed budget for the next fiscal year during a meeting to be held on Friday, April 15, at 2:00 p.m.

The Director informed the Commission that the Board of Permit Appeals, at its meeting next Wednesday evening, will consider an appeal of the issuance of a building permit for the State Employment Development Department's occupancy of the ground floor of the former Sears Store on Mission Street.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

The Director announced that he will hold a second public meeting on the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area on Saturday, April 23. The meeting, to be held in the Plaza Room of the Hilton Hotel, will be held from 1:00 p.m. to 4:00 p.m.

The Director advised the Commission that the Board of Supervisors, meeting on Monday, had returned the proposed design plan for Upper Market Street to the Committee for further review. The Department of City Planning was asked to determine if further environmental review will be required.

At this point in the proceedings, President Lau arrived in the meeting room and assumed the Chair.

The Director reported that he had met with members of the City Planning Committee of the Grand Jury.

The Director stated that he had attended a meeting held in Supervisor Pelosi's office where the officials present had agreed to investigate the feasibility of designating the Civic Center as an historic district under the provisions of Article 10 of the City Planning Code.

The Director stated that he is preparing a memorandum and draft resolution for consideration by the Commission concerning Phase IV of the Embarcadero Center Project.

The Director indicated that the regular meeting of the Planning, Housing and Development Committee of the Board of Supervisors, scheduled for next Tuesday, has been cancelled.

At this point in the proceedings Commissioner Boas arrived in the meeting room and replaced his alternate, Commissioner Elliott.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7698 be adopted urging the Secretary of the Federal Department of Health, Education and Welfare to sign the January, 1977, draft of the proposed 504 Regulations which would implement the Rehabilitation Act of 1973.

Commissioner Starbuck requested the staff of the Department of City Planning to contact the property manager of the Port Commission regarding a provision in the lease for property at 300 Jefferson Street which conflicts with a condition established by the Commission in Resolution No. 7696 which was adopted on April 7, 1977. He indicated that the Commission's resolution had required that a roof top general advertising sign be removed while the Port Commission's lease specified that the sign must remain.

It was moved by Commissioner Starbuck, seconded by Commissioner Rosenblatt and carried unanimously that the staff of the Department of City Planning be requested to prepare a draft resolution for consideration by the Commission

requesting the Redevelopment Agency to continue to explore ways of providing housing in Chinatown on a small-site basis with reference to the proposals offered in a draft of the Chinatown Neighborhood Improvement Plan which has been prepared by the Department of City Planning.

EE76.90 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED PARKING STRUCTURE FOR 475 AUTOMOBILES IN THE BLOCK BOUNDED BY THE EMBARCADERO AND MISSION, STEUART AND HOWARD STREETS.
(UNDER ADVISEMENT FROM MEETING OF MARCH 31, 1977.)

Robert Passmore, Planner V (Zoning), stated that materials necessary for certification of completeness of the Environmental Impact Report were still not available. Therefore, he recommended that this matter be continued under advisement until the meeting of May 12, 1977.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck and carried unanimously that this matter be continued under advisement until the meeting of May 12, 1977.

R77.10 - PROPOSED ACQUISITION OF PROPERTY BY THE SAN FRANCISCO PARKING AUTHORITY FOR CONSTRUCTION OF THE EMBARCADERO/MISSION PARKING GARAGE.
(POSTPONED FROM MEETING OF MARCH 31, 1977.)

Since the Environmental Impact Report on this matter had not yet been certified as complete, this matter was postponed until the meeting of May 12, 1977.

DR77.18 - 2418 PACIFIC AVENUE, NORTH LINE, 178.58 FEET WEST OF FILLMORE STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION TO CONVERT THE EXISTING ONE-FAMILY HOUSE TO A THREE-UNIT HOUSE ON A LOT HAVING AN AREA OF 10,186 SQUARE FEET; IN AN R-1 AND PROPOSED RH-1 DISTRICT.
(CONTINUED FROM MEETING OF APRIL 7, 1977.)

Robert Passmore, Planner V (Zoning), noted that the proposed project had been described during the Commission's meeting of April 7. In response to questions raised by Commissioner Bierman, he indicated the number of dwelling units in each of the buildings on both the north and south side of Pacific Avenue in the subject block. He stated that the two-unit buildings in the block represented a greater density than the proposed conversion of the subject building because most of the lots have a width of only 25 feet whereas the subject property was 80 feet wide.

Della De Figari, the applicant, repeated comments which she had made during the meeting of April 7, describing the proposed project and explaining that the proposal had been approved by the Board of Directors of the Pacific Heights Association. She also cited objectives and policies from various elements of the

Master Plan of the City and County of San Francisco which she felt the proposed project would further.

At this point in the proceedings, Commissioner Wentz arrived in the meeting room and assumed his seat at the Commission table.

Marshall De Figari, also an applicant, remarked that individuals who were opposing the proposed project were concerned that the project would establish a precedent for conversion of other mansions in Pacific Heights in the future and that it would decrease the number of owner-occupied units in the neighborhood. However, he noted that most of the buildings within a 300 per radius of the subject site are developed with buildings which do have rental units; and he did not feel that approval of the proposed project would establish a precedent because the Commission would still have the authority to review any future proposals for building conversions in terms of the merits and uniqueness of each particular case. He advised the Commission that the subject property is located two doors away from an eleven-unit building and three-doors away from a 62-unit building; and it is immediately adjacent to a converted mansion which has two legal units and one illegal unit. He stated that the property had been on the market for more than one year; and no one wealthy enough to be able to afford to maintain the building as a single-family home had expressed interest in it. He felt that the proposed project would serve as a transition between the high-rise apartment buildings to the east and the single-family homes to the west. He remarked that the three dwelling units proposed would each be quite large; and, as a result, the occupants would have more of a sense of living in a home than in an apartment. He remarked that the home is very beautiful; and he felt that more than one-family should be able to enjoy living in it.

Commissioner Starbuck noted that Mrs. Figari, during the Commission's meeting on April 7, had stated that she would lose her down payment on the property if the Commission did not approve the application; but he believed that the down payment would be jeopardized only if the purchase agreement were to be cancelled. In any case, he felt that the personal financial situation of the applicants should be separated from the planning aspects of the proposal. He also indicated that it had been brought to his attention that other offers had been made on the property which were close to the amount which was offered by the applicants. Finally, he was curious as to why the purchase agreement had had a contingency clause relating to approval of the project by the Pacific Heights Association as opposed to approval by City Agencies.

Mrs. Figari stated that she had been advised by a number of people that nothing is done in Pacific Heights without the approval of the Pacific Heights Association; and, having obtained the approval of that organization, she had not anticipated that there would be neighborhood opposition to the project.

Commissioner Starbuck then asked if the sale price of the property had made it necessary to propose conversion of the building into three units. Mrs. Figari replied in the negative, indicating that she and her husband had specifically been interested in a building which could be converted.

John Beckham, 2321 Webster Street, stated that he is a member of the Board of Directors of the Pacific Heights Association but indicated that he was not representing the Board before the Commission. The Board had met with Mrs. Figari to discuss her project and had deliberated on the matter after that meeting. The Board felt that the most preferable use of the building would be to preserve it as a single-family dwelling and that the least desirable use of the building would be for institutional uses. Mrs. Figari's proposal fell between those two extremes. The Board knew that an offer had been made on the property by individuals who intended to maintain it as a single-family house; and they had hoped that the property would be sold to those individuals. After canvassing the neighborhood, the Board had found that there was considerable opposition to any proposal to convert the building into three dwelling units. They had conveyed that information to the realtor who was handling the property; and that firm had passed the information along to Mrs. Figari before she purchased the property. He felt that the Commission should deny the applicant's request for authorization to convert the building, that it should make a survey of conversions which could be made in R-1 Districts and the effect such conversions would have on the neighborhoods in which they are located, and that it should establish an immediate freeze on all R-1 conversions until the survey is completed.

Judy Manyar, 2420 Pacific Avenue, stated that petitions had been submitted to members of the Commission signed by individuals who were opposed to the proposed project and who owned properties on the north side of Pacific Avenue in the subject block, excluding two apartment houses and the subject property. The south side of Pacific Avenue has a total of 10 lots. The owners of eight of the lots had signed the petition. One of the property owners had taken no position; and the remaining property owners favored the conversion so that the building would not be occupied by an institution. A total of 80 signatures had been obtained in opposition to the proposal; and she believed that all but 18 of the signatures belong to individuals who own property within a 300 foot radius of the subject site. Only two individuals had indicated their support of the applicants' proposal.

Veikko O. Huttunen, Consul General of Finland, read and submitted the following letter:

"As the representative of the State of Finland which possesses the property situated at 2510 Pacific Avenue, San Francisco, I wish to advise as follows:

"The approval of the application to convert the single family dwelling situated at 2418 Pacific Avenue into three units would be a crucial mistake. As a precedent, it would lead to a change in the quality of the picturesque Pacific Heights section of the City. This kind of change has happened in many cities to their detriment.

"In the Pacific Heights area are living over forty Consul Generals or Consuls of foreign countries. The correct atmosphere

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and privacy of this diplomatic section of the city is essential to diplomatic functions. The most suitable section of the city in the capitals of foreign countries is preserved for diplomats to live. So it is, also, in Finland.

"According to the reciprocity stated in the Vienna Convention on Diplomatic Relations signed by the United States and, also, in the Treaty of Friendship, Commerce and Consular Rights between the Republic of Finland and the United States, we look forward to this great city, where the Charter of the United Nations was signed, demonstrating its famous courtesies in this case as well."

Anna Logan Upton, 2440 Pacific Avenue, stated that she has lived two doors away from the subject property since 1938. She advised the Commission that practically all of the residents in the neighborhood were opposed to the applicants' proposal to convert the building into three units because of the density, parking, and noise problems which the conversion would create. Furthermore, she believed that the proposed conversion would diminish the value of properties in the area. While she regretted having to oppose a project being proposed by a neighbor, she observed that it is possible to disagree without being disagreeable.

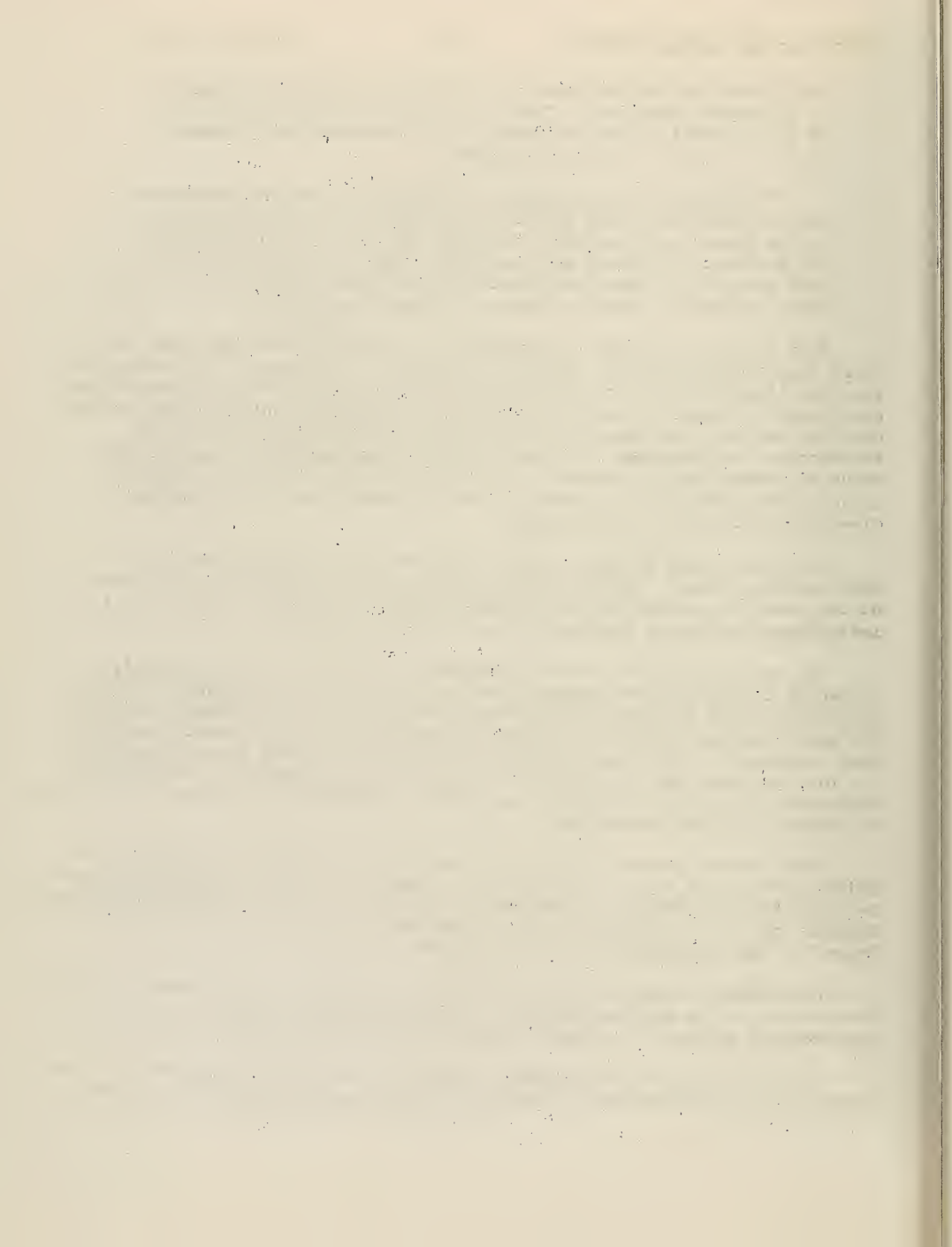
Su Newton, 2635 Broadway, stated that she used to own property at 2810 Pacific Avenue. Several houses in the neighborhood were on the market at the same time as her Pacific Avenue property; and they were all sold to individuals with large families who wanted large homes.

Ms. Manyar felt that it was important to preserve the single-family character of the subject neighborhood; and, as a result, she hoped that the Commission would disapprove the proposed conversion of the subject building. She also remarked that the President of the Pacific Heights Association had been retained by the present owner of the subject property to work on plans for his new home; and, as a result, approval of the proposal by the Board of Directors of the Pacific Heights Association represented a conflict of interest on the part of that individual.

Commissioner Bierman asked Ms. Manyar about the number of units in the building which she owns at 2420 Pacific Avenue. Ms. Manyar replied that the building has two units. In response to a further question raised by Commissioner Bierman, she stated that her building had been constructed as a single-family house but had been converted into two units.

Commissioner Starbuck asked John Walker, President of the Pacific Heights Association, if he had participated in his organization's decision to support the proposed project. Mr. Walker replied in the affirmative.

Lili Lim, 2512 Pacific Avenue, stated that she had six children; and she indicated that she had had difficulty in finding a large home in a gracious



neighborhood in which to raise her family. She hoped that the Commission would help to preserve the integrity of the entire neighborhood by voting to disapprove the applicant's project.

Linda Kahn, 2430 Pacific Avenue, stated that she had purchased her home in June, 1976, with the understanding that the subject neighborhood is basically single-family residential in character; and she felt that the approval of the proposed conversion would drastically alter the character of the neighborhood. She stated that she and her husband had looked at a number of houses which were in the same price range as the subject property; and she believed that buyers are available who would be willing to maintain the building as a single-family residence. When she and her husband had looked at the subject property, they were told that the asking price was \$400, 000; and they had felt that the owner was asking too much for the property. Others who would have been interested in obtaining the house for single-family use might have felt the same. She did not feel that approval of the proposal by the Board of Directors of the Pacific Heights Association should in any way commit residents of the neighborhood to support of the project; and she indicated that they had expressed their opposition to the proposal as soon as they have been made aware of it.

Margaret St. Aubyn, 2500 Steiner Street, advised the Commission that all of the residents of the neighborhood were very unhappy about the proposed conversion of the subject building; and she hoped that the proposal would be disapproved by the Commission. She also suggested that the City Planning Code should be amended to provide that 65% of the owners of property within a 300 foot radius of the site of a proposed residential conversion be required to approve the conversion.

Susan O'Gara, 2655 Steiner Street, remarked that new residential zoning standards were enacted by the Commission as recently as May 20, 1976; and she indicated that she saw no justification for changing those standards on a lot by lot basis.

William S. Clark, President of the Cow Hollow Improvement Association, stated that he addressed a letter to the Commission, dated April 5th explaining the reasons why his organization objected to the proposed conversion. He believed that approval of the proposal would establish a precedent; and he believed that the Commission should follow Mr. Beckham's suggestion and undertake a study to determine what effect conversion of buildings can have in R-1 neighborhoods. He also indicated that he supported Mrs. St. Aubyn's proposal that the City Planning Code be amended to provide that 65% of the owners of property within a 300 foot radius of the site of a proposed residential conversion be required to approve the conversion.

Paul Robinson, 2376 Pacific Avenue, stated that he had owned properties which were zoned R-5, a zoning district in which apartments are appropriate. However, he did not feel that the Commission should allow single-family residences in R-1 districts to be converted into apartments. He remarked that

the subject neighborhood has parking problems; and he felt that the proposed conversion would contribute to the parking problems.

Marian Hinman, representing the Zoning Committee of the Russian Hill Association, stated that her neighborhood had already experienced problems with building conversions in R-1 Districts; and she expressed support for the proposal to require support from property owners within a 300 foot radius whenever proposals are made for conversion of single-family residences into apartments.

Irene Kivitz, 2497 Pacific Avenue, stated that she was opposed to the chopping-up of beautiful homes into smaller units. While Mrs. Figari had claimed that the conversion of the building would allow people with different income levels to move into the neighborhood, she did not understand how that objective could be achieved if the new apartments were to cost \$300,000.

James Frankel, owner of the subject property, stated that he had no financial stake in whatever decision the Commission might make; however, he was embarrassed and outraged at the reception which residents of the neighborhood had given to Mr. & Mrs. Figari. The property had been sold without conditions and awaits only a closing date. Mr. & Mrs. Figari had purchased the property only after they had received a commitment from the Pacific Heights Association that that organization would not oppose the proposed project; and he believed that such commitments should be honored. Whether or not Charlotte Maeck sits on the Board of Directors of that organization at the present time, it is well known that she is the organization; yet, despite the decision of the Board of Directors, Mrs. Maeck had organized the opposition to the project. He remarked that many misrepresentations had been made by those in opposition to the project. Some people had been encouraged to sign the petitions because they were told that Mrs. Figari intended to convert the house into 6 or more units; and others were told that the proposed project would cause their taxes to increase. While he acknowledged that large houses have been sold for single-family use, he emphasized that the subject neighborhood has a very mixed type of occupancy and is not exclusively a single-family area. Furthermore, the subject building, having 10 bedrooms and more than 10,000 square feet of living area, is not sellable as a single-family house. In fact, after owning the property for more than 13 years, he and his wife had realized a profit of only 22% to 25% over and above what they had invested in the property. The property had been on the market for more than one year; and an effort had been made to interest representatives of the Consular Corps in the property. Several offers had been made at lesser amounts than that offered by Mr. & Mrs. Figari; but in each case the prospective purchaser planned to convert the building. One higher offer was made; but the prospective purchaser was unable to arrange financing. Several of the neighbors felt that that offer had been made on behalf of the "Moonies". Many residents of the neighborhood had assumed that the proposed units would be rented rather than sold as condominiums. Some individuals who had spoken in opposition to the project actually own buildings in the area which contain several units. Having already got theirs, they were only too willing to deprive others of the same right. The subject property has plenty of space to accommodate the automobiles of the tenants of the proposed



units; and, if the building were to be demolished, the site could be developed with three single-family dwellings. Large rental buildings already exist at both ends of the subject block; and, if the conversion of the subject building had been proposed one year ago, the approval of the Commission would not have been required. He felt that Mrs. Figari's proposal represented a sensible and sensitive use of the building; and he hoped that the application would be approved.

Joan Barr, 2449 Pacific Avenue, stated that she did not wish to speak for or against the applicant's proposal. However, conversion of an adjacent building had been carried out in cooperation with residents of the neighborhood; and she felt that the proposed project should have been approached in the same way.

Leslie Jacobson, 1523 Steiner Street, remarked that the subject building is too large for a single family; and he felt that three families could live in the building in the large units proposed very comfortably. He expressed his support of the applicant's proposal.

Joseph Thompson, 2411 Broadway, stated that people living on Pacific Avenue already park their automobiles on Broadway; and he indicated that he was opposed to the proposed conversion because of the impact which it would have on parking congestion in the neighborhood.

Commissioner Rosenblatt asked if the staff of the Department of City Planning, in their initial meetings with Mrs. Figari, had made it clear to her that the proposal would be subject to discretionary review by the Commission and that the notices of the Commission's hearing would be sent to owners of properties in the area. Mrs. Figari replied in the affirmative, indicating that she had had to type the mailing labels for the staff. She stated that the staff had not recommended that she obtain the approval of the Pacific Heights Association but had only identified the neighborhood organizations which might be interested in the proposal. She had been advised by others to obtain approval from the Pacific Heights Association.

Commissioner Rosenblatt then asked if the staff has any information about the number of single-family homes in R-1 districts which might be subject to conversion. Mr. Passmore replied in the negative but indicated that it may be possible to extract such information from data which has been collected. Commissioner Rosenblatt then remarked that he felt that it would be desirable if the staff would formulate guidelines for the Commission to use in considering applications for conversions of single-family houses in R-1 districts.

Beatrice Kirschenbaum, a member of the Board of Directors of the Pacific Heights Association, stated that she had attended the meeting of the Board of Directors when the applicants' proposal had been discussed; and she advised the Commission that no formal vote had been taken on the matter. However, she personally felt that the applicants' proposal had great merit; and she expressed her strong support for the project.

Rai Y. Okamoto, Director of Planning, observed that the staff had not developed any guidelines to use in evaluating the proposed project; and, as a result, the project had been evaluated on an ad hoc basis. Given the variety of development which exists in San Francisco, he did not feel that the staff's recommendation would establish a precedent; and, as a matter of fact, it was conceivable that a proposal for a similar conversion around the corner from the subject site would receive a different recommendation.

Robert Passmore, Planner V (Zoning), noted that each of the proposed units would have a separate entrance and off-street parking in excess of City Planning Code standards. He also noted that the Residence Element of the Comprehensive Plan encourages the retention of family-type housing such as that which would be provided by the proposed project. Finally, he felt that it would be desirable to encourage the retention and preservation of a Classic Revival house which is listed in Here Today; and he remarked that conversion of the building would provide an economic incentive for such preservation. He therefore recommended that the application be approved subject to the following conditions:

- "1. That this authorization is for conversion of a one-family house into a 3-family house, each unit having separate outside entrance.
- "2. That the present landscaping shall be maintained in a healthy condition and that the fencing surrounding this property shall be properly maintained in a manner consistent with the surrounding neighborhood.
- "3. That this authorization is contingent upon approval by the Department of City Planning of final plans for this proposal, including a parking plan.
- "4. That for the purposes of this authorization 'family' shall be defined as a single living unit, consisting of either:
 - "(a) one (1) person, or two (2) or more persons related by blood, marriage or adoption or by legal guardianship pursuant to court order; or
 - "(b) a group of not more than three (3) persons unrelated by blood, marriage, adoption or such guardianship."

Commissioner Bierman asked why the staff was proposing to limit the occupancy of the dwelling units to three persons unrelated by blood, marriage, adoption or legal guardianship. Mr. Passmore replied that the City Planning Code would ordinarily allow occupancy of up to five unrelated adults in each of the units; and the staff felt that potential occupancy of the building with 5 to 15 adults could create serious parking problems.



Commissioner Bierman then remarked that the language used in the draft resolution would preclude occupancy by more than three related persons even if children were involved. Mr. Passmore agreed that the language of the draft resolution should be changed to specify that the occupancy limit should relate to three unrelated adults.

Commissioner Dearman asked if she were correct in her understanding that the subject building could have converted into three units without specific approval from the Commission prior to May 20th of last year and if dwelling units created prior to that date could have been occupied by families of up to five unrelated individuals. Mr. Passmore replied in the affirmative.

Commissioner Bierman stated that she would vote for adoption of the draft resolution with the revision which had been recommended by Mr. Passmore. She remarked that it was a difficult decision to make in view of the fact that so many residents of the neighborhood were upset by the proposal. However, it is important for the Commission to be fair in its decisions; and, given the number of buildings with more than one unit which exist in the immediate neighborhood, she felt that it would be unfair for the Commission to deny the applicant the right to convert the subject building. She indicated that she would have been dissuaded from voting for approval of the application only if the property had not had sufficient off-street parking space. She moved that the draft resolution, as revised, be adopted. Commissioner Boas seconded the motion for the purpose of bringing the matter before the Commission.

President Lau agreed that the decision to be made by the Commission was a difficult one. But he believed that it was the responsibility of the Commission to balance the equities involved and to resolve the matter in an equitable way. If the application were to be approved, no precedent would be established since the Commission and staff would continue to analyze such proposals on an individual basis. He remarked that the Commission is constantly reminded that there is a need for family housing in San Francisco; and, while the dwelling units proposed would not be in the low or moderate income range, they would be family housing. Finally, adequate off-street parking would be provided on the site to assure that no parking problems would be generated by the proposed occupancy. Therefore, he intended to vote for adoption of the draft resolution, as revised.

Commissioner Dearman remarked that the Commission ordinarily votes in accordance with the desires of the neighborhood residents whenever a great deal of concern has been expressed about a particular project. However, she was concerned about the fact that many of the people who had spoken in opposition to this project have rental units in their own buildings; and she did not feel that condominium units which would sell for \$300,000 would hurt the quality of the neighborhood. Therefore, she intended to vote for adoption of the draft resolution.

Commissioner Starbuck stated that he intended to vote against the motion. He indicated that he regarded the subject block to be a buffer block as opposed

The American West has been a source of inspiration for writers for over a century. From the early days of the frontier to the present, the West has been a place of adventure, discovery, and conflict. Writers have used the West as a backdrop for their stories, exploring the themes of identity, power, and the human condition. The literature of the American West is a rich and diverse body of work that reflects the unique history and culture of the region. It is a literature that has shaped the way we see the West and ourselves. The West is a place of endless possibilities, a place where the dream of a better life has always been just out of reach. It is a place where the past and the future are intertwined, where the old and the new are constantly in flux. The literature of the American West is a testament to the power of the human imagination, a testament to the enduring appeal of the frontier. It is a literature that has inspired generations of writers and readers alike, a literature that has helped to define the American dream. The West is a place of mystery and wonder, a place where the unknown is always just around the next bend in the road. It is a place where the possibilities are endless, where the dream is always just out of reach. The literature of the American West is a testament to the power of the human imagination, a testament to the enduring appeal of the frontier. It is a literature that has inspired generations of writers and readers alike, a literature that has helped to define the American dream. The West is a place of mystery and wonder, a place where the unknown is always just around the next bend in the road. It is a place where the possibilities are endless, where the dream is always just out of reach. The literature of the American West is a testament to the power of the human imagination, a testament to the enduring appeal of the frontier. It is a literature that has inspired generations of writers and readers alike, a literature that has helped to define the American dream.

to a transitional block; and he felt that the westward movement of multi-unit buildings in the subject neighborhood should be forestalled.

When the question was called, the motion failed by a vote of 4 to 3. Commissioners Bierman, Dearman and Lau voted "Aye"; Commissioners Boas, Rosenblatt, Starbuck and Wentz voted "No". As a result, Resolution No. 7699 was adopted, disapproving the subject application.

At 3:50 p.m. President Lau announced a 10 minute recess. The Commission reconvened at 4:00 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Boas was absent for the remainder of the meeting and was replaced by his alternate, Virgil L. Elliott. Commissioner Wentz was absent for the remainder of the meeting.

CU77.9 - 1153 BUSH STREET, SOUTH LINE, 117.5 FEET EAST OF HAIGHT STREET.
REQUEST FOR AUTHORIZATION FOR A PRIVATE RECREATION CLUB WITH
FACILITIES FOR MASSAGE, HEAT AND WATER THERAPY IN THE EXISTING
FOUR LEVEL BUILDING; IN AN R-5-C AND PROPOSED R-C-4 DISTRICT.
(EE77.50)
(CONTINUED FROM MEETING OF APRIL 7, 1977).

Robert Passmore, Planner V (Zoning), remarked that this matter had been continued from the meeting of April 7 because the Negative Declaration for the project had not been finalized on that date. However, the staff had recommended that the application be disapproved because the proposed private club would be operated as a gainful business, a use which is not permitted in an R-5-C district above the ground level. The staff also felt that the proposed use might bring additional automobile traffic to the area, thus adding to the problem of parking congestion. Since the last meeting of the Commission, he and Mr. Feldman of the staff of the Department of City Planning had visited the subject building and had confirmed that it is a very unusual building. The top two floors of the building were constructed as a separate dwelling unit. At the present time, a portion of the second floor and the entire top floor of the building contain rooms which are rented on an individual basis. The remainder of the second floor is used as a private dwelling. The mixture of the private dwelling and the rental rooms is somewhat awkward; but he did not feel that the design of the building would preclude its use as a rooming house which might provide needed housing for the elderly. Furthermore, the City Planning Code would permit the use of the main floor and the basement of the building as a private club operated as a gainful business.

William Jones, the applicant, stated that there are eleven parking lots and garages in the immediate vicinity of the subject property; and, as a result, he did not feel that the proposed use would create a parking problem. He advised the Commission that residents of the subject neighborhood are predominantly gay with some older people and some Chinese families. Most of the people in the area are single. He indicated that he presently operates the Sutro Baths on Valencia Street, an establishment which caters to a predominantly gay

clientele but which is also open to women who need not be gay. He regarded the operation as an experiment in living; and, in view of the fact that no police problems had developed in a period of three years, he felt that the experiment is working. He intended to move that operation to the subject site. The proposed private club would have no loud music or flashing signs; and he felt that the club would serve residents of the subject neighborhood. He remarked that there are presently no private clubs for gay people, where they can meet one another; and, as a result, they are forced into bars. The club would not be operated as a charity; and he hoped to earn his livelihood from it. Whereas, non-profit organizations pay no taxes, he expected that his operation would pay taxes in excess of \$9,000 a year; and those taxes would be lost to the city if the club were forced to obtain non-profit status. He remarked that most gay bath houses are very dehumanizing; and he intended to find another building to house his operation if the Commission should refuse the authorization for the subject building.

It was moved by Commissioner Bierman and seconded by Commissioner Dearman that the subject application be disapproved. Commissioner Bierman explained that she was not opposed to bath houses. However, she was concerned about preserving the character of residential neighborhoods; and she felt that bath houses should be located in a commercial area.

Mr. Jones stated that the design of the building would make it impossible to separate the private rooms from the club operation if the basement and first floor of the building were to be used as a private club.

President Lau expressed his concurrence with the remarks which had been made by Commissioner Bierman. Preserving the integrity of residential districts is of paramount importance to the Commission; however, if the applicant were able to find a suitable building in a commercial district for the proposed use, the Commission would be supportive of the project.

Mr. Jones stated that it would be absolutely impossible to operate the subject building as a rooming house. Furthermore, the present owner of the building is 73 years old and wants to be relieved of her responsibility for the building.

When the question was called, the Commission voted 5-1 to adopt Resolution No. 7700 and to disapprove the subject application. Commissioners Bierman, Dearman, Elliott, Lau and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No".

CU77.11 - FRANCISCO BAY OFFICE PARK, PROPERTY BOUNDED BY BAY, CHESTNUT, MONTGOMERY, FRANCISCO AND KEARNY STREETS AND THE EMBARCADERO. REQUEST FOR MODIFICATION OF RESOLUTION NO. 7115 TO ALLOW EXTERIOR BUILDING MATERIALS OF WOOD SIDING AND SHINGLES ON A PROPOSED RESTAURANT AND CERTAIN CHANGES IN PROPOSED BUSINESS AND DIRECTIONAL SIGNS AS PART OF THE PREVIOUSLY AUTHORIZED OFFICE AND PARKING GARAGE COMPLEX. (EE73.148)

President Lau asked if anyone were present in the audience to speak in

opposition to this matter and received a negative response.

Robert Passmore, Planner V (Zoning), recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

David Robinson, architect for the applicant, objected to language contained in Condition No. 2 of the draft resolution which specified that "no signs shall be authorized for installation above the ceiling level of the ground floor". He indicated that the project has a small sign eight feet above ground at the southeast corner of Kearny and Bay Streets; and that sign is not visible to motorists because of the interference of street trees. They had hoped to raise that sign. In addition, a business identifying sign would not be visible; and they had intended to install a sign with eight inch high letters on a brick wall at the third story level to identify that business.

Rai Y. Okamoto, Director of Planning, suggested that the Department of Public Works might approve installation of an identifying sign for the garage in the sidewalk area. If so, that sign would be visible to motorists. He indicated that the staff of the Department of City Planning would investigate the feasibility of installing such a sign.

Mr. Passmore recommended that Condition No. 2 of the draft resolution be reworded to specify that "the only sign authorized for installation above the ceiling level of the ground floor is the business sign identified as 'Type Four Sign' in Exhibit 'B'".

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution, as modified, be adopted as City Planning Commission Resolution No. 7701 and that the application be approved subject to the conditions which had been recommended by the staff, as revised.

JM77.6 - 1052 - 1062 OAK STREET, NORTH LINE, 125 FEET EAST OF DIVISADERO STREET; AND 444 DIVISADERO STREET, EAST LINE; 90 FEET NORTH OF OAK STREET.

R-4 AND PROPOSED RH-3 TO A C-2 DISTRICT. (EE77.49)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject properties. The property fronting on Oak Street has an area of 4,000 square feet and is occupied with two buildings, one having a flat and a non-conforming beauty shop, and the other having a non-conforming contractor's office with a shed at the rear. The lot fronting on Divisadero Street has an area of 10,875 square feet in the R-4 District and another 9,000 square feet of lot area in the C-2 District. The lot is occupied with a gasoline service station and a car wash of which the easterly portion has non-conforming use status with a May 2, 1980, termination date. The applicant was requesting that the property be rezoned to C-2 to allow continuation of

the car wash and to allow demolition of the two buildings on the Oak Street lot in order to expand the parking area of the gasoline service station at the corner of Oak and Divisadero Streets. He also noted the City Planning Commission Resolution that established a policy of discretionary review for automobile service stations proposed for Divisadero Street due to the concern about the effect of such uses on pedestrian oriented businesses on Divisadero Street.

Margaret Brosnan, stated that she owns the lot fronting on Oak Street and that she represented the owner of the other lot. She stated that the building on her property is 90 years old and that it does not warrant rehabilitation. If the application were approved, the property would be landscaped; and she felt that the project would enhance the neighborhood.

Chris Perry, owner of an adjacent parcel of property, stated that he was opposed to the proposed expansion of the gasoline service station. If the application were approved, the service station would cover a lot measuring by 170 X 172 feet at the corner of Oak and Divisadero Streets. He advised the Commission that the subject neighborhood had experienced fantastic changes in the last few years. The area was once a slum; but property values have been increasing dramatically. He felt that the enlargement of the gasoline service station would have a permanent detrimental effect on the area. He was also opposed to the demolition of existing housing. While it is true that the residential building which would be demolished is 90 years old, most of the other residential buildings in the neighborhood are of the same age; and he felt that the recent approval of the project which would incorporate the Abner Phelps House offered proof that older buildings can be revitalized. He noted that the Commission had disapproved a proposal for rezoning of property across the street to accommodate a gasoline service station; and he felt that it would be inconsistent for the Commission to vote for expansion of a service station across the street. In conclusion, he stated that one of his neighbors was adamantly opposed to the project because she believed that the number of service stations in the area constitutes a fire hazard.

Mr. Passmore recommended that the application be disapproved. He enacted this recommendation to the Commission's policy of discretionary review for automobile service stations and car washes which tend to disrupt the sense of pedestrian continuity of the shopping function of Divisadero Street. He also remarked that the Commission and Board of Supervisors had recently approve a zoning change for property on the south side of Oak Street, to the west of Divisadero Street, to allow for development of a commercial complex of renovated Victorian houses which will enhance the pedestrian continuity of the area; and the objective of the subject application would not be in harmony with the character with that proposed development.

Mr. Shimak, owner of the automobile car wash, stated that the rear portion of his property is totally land-locked; and he could conceive of no other viable use for the property. The building on the Oak Street property is dilapidated. He remarked that Oak and Fell Streets are heavily travelled arteries; and he did not feel that properties on those streets are suitable for residential use.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Elliott and carried unanimously that the draft resolution be

adopted as City Planning Commission Resolution No. 7701 and that the subject application be disapproved.

At this point in the preceedings Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

DR77.16 - 3178 - 3198 SACRAMENTO STREET, NORTHEAST CORNER OF LYON STREET. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR 10 ONE-FAMILY AND 2 TWO-FAMILY TOWNHOUSES, TO A HEIGHT OF 38 FEET ON A LOT OF 14,366 SQUARE FEET; IN AN R-4 AND PROPOSED RH-2 DISTRICT. (EE77.20)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has 14, 871 square feet of lot area with frontages of 112.5 feet on Sacramento Street and 127.7 on Lyon Street. The property is developed with a two-family house and with an unoccupied pet hospital. The applicant's proposal to clear the site and to construct ten one-family and two two-family townhouses on the property. Fourteen off-street parking spaces would be available; and approximately 7,000 square feet of open space would be provided, including docks. The units would be 21 feet wide. The proposed units would range in size from 1,050 square feet to 1,500 square feet. RH-2 zoning standards would allow resubdivision of the property into 6 lots, each having an area of at least 1,750 square feet on which 6 two-family houses could be built for a total of 12 units. The applicants were seeking a variance from the rear yard and density standards of the City Planning Code, to allow for two additional units; and, while the Zoning Administrator had held a public hearing on that variance request, no determination had been made to date. When the building permit application had been filed, action would have been required by the Commission to permit the buildings to have a height of 39 feet. However, since the Commission had acted on March 31 to modify the RH-2 Standards, special action would no longer be required on the height issue.

President Lau asked if the staff were aware of any opposition to the proposed project. Mr. Passmore replied that some opposition had been expressed at an early date; however, he felt that the concerns which had been expressed had been satisfied.

Alex Najjer, one of the applicants, stated that he and his associates had worked closely with the Pacific Heights Association and had obtained the approval of that organization for the proposed project. In addition, individuals who had expressed concerns about the project during the Variance Hearing had subsequently written letters in support of the project. He stated that he had also met with representatives of the Sacramento Street Merchants Association; and that association had voted to support the project. He noted that the proposed project was relatively small in scope; and as a result, it would not be financially feasible to proceed with the construction of 12 dwelling units instead of the 14 dwelling units which were being requested.

Mr. Passmore stated that the Zoning Administrator had indicated that he would find it difficult, if not impossible, to grant a variance for 14 dwelling units, since the granting of such a variance would have the effect of reclassifying the property to permit construction of more units than would be permitted by the present zoning. Since a total of 12 dwelling units could be constructed on the property if the property were to be resubdivided, a variance would probably be granted to allow construction of 12 dwelling units. Therefore, he recommended that the subject application be approved, subject to four specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission and which read as follows:

- "1. That this authorization is for 12 dwelling units and not 14 units on the subject property in general conformity with plans filed with the subject property dated March 15, 1977, except said plans shall be modified to the extent necessary to meet the height limitations imposed by the City Planning Commission under Resolution No. 7688.
- "2. That this authorization is contingent upon the granting by the Zoning Administrator of variances sought by the applicant to allow 12 units to be developed on the subject property as shown on the plans filed with the subject application.
- "3. That final plans for this project shall be submitted to the Department of City Planning for approval before the applicant files building applications for construction of the project.
- "4. That landscaping of the subject property and street trees along Sacramento and Lyon Streets shall be installed and maintained in a healthy condition by the applicant in conformity with a landscaping plan to be developed in consultation with the staff of the Department of City Planning."

Daniel Solomon, one of the applicants stated that the Interim Zoning Standards initiated by the Commission on May 20, 1976, would permit a subdivision of the subject property into 7 lots, each of which could be developed with a two-unit building for a total of 14 dwelling units. However, since the lot standards for R-4 districts are more restrictive, they remain in effect. Under the circumstances, he felt that the staff of the Department of City Planning would have been willing to reclassify the subject property so that 14 units would have been permitted; however, the Pacific Heights Association preferred to retain the R-2 zoning but had indicated that it would support a variance request for additional units for this particular project. If the project were reduced to 12 dwelling units, the volume of the buildings would remain the same, with two of the units being enlarged in size and the price of those units being increased accordingly. He expected that the price of those units would consequently be in excess of what the market would bear; and, as a result, the project would not be able to proceed and the property would remain in its present blighted state.

Commissioner Dearman noted that the Pacific Heights Association had requested that the parking configuration for the project be modified from that stipulated by current RH-2 zoning; and she asked what type of parking configuration was being proposed. Mr. Solomon replied that 14 off-street parking spaces would be provided but that the parking spaces would be served by only six curb cuts.

Commissioner Dearman then inquired about the anticipated sales price of the dwelling units. Mr. Solomon replied that the largest unit would sell for approximately \$155,000 if 14 units are constructed. If only 12 units are constructed, the asking price for the largest units would probably have to be in the range of \$200,000.

Commissioner Rosenblatt asked Mr. Passmore to comment on Mr. Solomon's statement to the effect that the Interim Zoning Controls would permit resubdivision of the subject property into 7 lots but that the prior R-4 zoning classification would prohibit such a subdivision. Mr. Passmore stated that the Interim Zoning Controls would allow the Commission to approve by conditional use procedures a minimum lot width of 16 feet. Under that standard, the subject property could be divided into seven lots, each of which would be entitled to have two dwelling units.

Commissioner Rosenblatt, noting that Mr. Passmore had stated that the Zoning Administrator would find it difficult to approve a variance to permit 14 dwelling units on the site since the granting of such a variance would have the effect of reclassifying the property from RH-2 to RH-3, asked if the Commission could legally reclassify the property from RH-2 to RH-3. Mr. Passmore replied in the affirmative.

Mr. Solomon stated that the Pacific Heights Association was in support of his project; however, that association would be opposed to establishing a precedent for RH-3 zoning in the neighborhood.

Rai Y. Okamoto, Director of Planning, observed that it is always easy to turn down a proposal; however, it is sometimes difficult to find a way to approve a project which the staff feels would be desirable.

Mr. Passmore remarked that another way for the project to be approved would be to change the standards of the RH-2 zoning district to provide that only 1,000 square feet of lot area would be needed for each dwelling unit.

Taffeta Lassen, President of the Sacramento Street Merchants Association, stated that her organization was concerned about the number of children who would be housed in any development which might occur on the subject site since the project is located at a dangerous intersection. However, she did not feel that the units which were being proposed would appeal to families; and, as a result, they were in support of the project.

Commissioner Rosenblatt observed that it would not make much sense for the Commission to approve only 12 dwelling units if the applicant was convinced that

a 12-unit project would not be feasible; and, as a result, he felt that the best approach might be to take the matter under advisement so that alternative ways of approving the 14-unit project could be considered.

Mr. Najjar remarked that the Pacific Heights Association has worked hard to control density in the neighborhood; and, while that organization favors the proposed project, it does not want to go on record in support of a reclassification to RM-3. He urged the Commission to approve the 14-unit proposal; then, if only 12 units are approved by the Zoning Administrator, the issue might be taken to the Board of Permit Appeals.

Commissioner Starbuck asked if he were correct in his understanding that reduction of the number of units from 14 to 12 would not provide any additional open space on the site. Mr. Solomon replied in the affirmative.

Ms. Lassen stated that she regarded the proposed housing development as a quality project; and, as a result, she was willing to support the applicant's proposal for 14 units. If only 12 units were to be approved, the applicants might not be able to proceed with their project; and the site might eventually be developed with a project of lesser quality.

After further discussion, it was moved by Commissioner Bierman and seconded by Commissioner Dearman that the draft resolution be modified to specify that the authorization would be for 14 dwelling units and that an additional whereas clause be added to the draft resolution to indicate that the City Planning Commission feels that 14 dwelling units would be appropriate given the nature of the proposed project. The motion and second also called for adoption of the draft resolution as modified.

Commissioner Bierman remarked that it is important to allow the construction of dwelling units which people can afford; and, given the design of the proposed project, she felt that it would enhance the subject neighborhood.

Commissioner Rosenblatt indicated that he supported the proposal to authorize the construction of 14 dwelling units on the property; and he suggested that the additional whereas clause in the draft resolution should refer to the fact that the members of the Commission had visited the site and had reviewed the plans for the proposed project, the fact that there had been enormous neighborhood support for the project and no opposition to it, and finally that the project would provide a diversity of housing types.

When the question was called, the Commission voted unanimously to adopt the revised resolution as City Planning Commission Resolution No. 7703 and to approve the proposed project subject to the conditions contained in the draft resolution as modified.

DR77.11 - ROME STREET, EAST LINE, 237 FEET NORTH OF CAYUGA STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION
FOR ONE-THREE UNIT BUILDING ON A LOT OF 12,330 SQUARE FEET; IN
AN R-1 AND PROPOSED RH-1 DISTRICT. (EE77.114)
(CONTINUED FROM MEETING OF MARCH 24, 1977.)

Robert Passmore, Planner V (Zoning), reported that Mr. Feldman of the staff of the Department of City Planning had attended a meeting in the subject neighborhood to discuss the proposed project and its relationship to the provisions of the City Planning Code. The applicant had revised his plans to convert one of the two-bedroom units which was being proposed between a three-bedroom unit. One additional parking space had been added. The applicant had also decided to sell a ten-foot easement at the rear of the property; and, as a result, the size of the property would be reduced to 11,514 square feet. However, more than 3,000 square feet of lot area for each of the proposed dwelling units would still exist. Residents of the neighborhood continued to be opposed to the project because of the additional traffic which would be generated, because they felt that the noise from the BART tracks above the property would make the site undesirable for housing, and because they feared that the proposed dwelling units would be rented as opposed to owner-occupied.

Frank Carraro, the applicant, felt that he had made as many changes in his plans as he could to accommodate the concerns of the neighborhood.

Anne Sonne, a resident of the neighborhood, confirmed that a meeting had been held in the neighborhood to discuss the project; and she advised the Commission that residents of the neighborhood were still "100% against the project".

Mr. Passmore recommended that the application be approved subject to one condition which would specify that the authorization would be for a three-family house in general conformity with plans filed with the subject application and marked Exhibit A.

It was moved by Commissioner Bierman and seconded by Commissioner Rosenblatt that the application be approved subject to the condition which had been recommended by Mr. Passmore.

Commissioner Bierman remarked that the subject property is quite large; and she observed that the City does have a need for new housing. She felt that the applicant had done an excellent job of designing the building so that the three dwelling units would appear as separate single-family residences; and, as a result, she felt that the project would be compatible with the neighborhood.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7704 and to approve the application subject to the condition which had been recommended by Mr. Passmore.

ZM77.4 - BOTH SIDES OF 24TH STREET BETWEEN DIAMOND AND CHATTANOOGA STREETS;
AND BOTH SIDES OF CASTRO STREET BETWEEN 24TH AND JERSEY STREETS.
C-2 TO AN R-3-C DISTRICT. (EE77.29)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject properties which cover a 5 block area and consist of 178 lots. The properties are presently zoned C-2. The area is developed with dwellings, neighborhood commercial uses, and buildings combining residential and commercial, primarily store-front commercial with one or two stories of residential use above. The 150 commercial enterprises consist of 25 professional offices (lawyers, doctors, etc.), 52 personal services (barber shops, restaurants, etc.) and 73 retail operations. A total of approximately 300 dwelling units exist in the subject area. The subject application, filed by Margarita Ortiz for the Noe Valley Neighbors for Action, requested that the properties be reclassified to R-3-C for the purpose of limiting commercial uses to the ground floor or lower floors of building in the area. The R-3-C district would allow as principal uses those allowed in both R-3 and C-1 districts, except for automobile-oriented uses. The district would permit commercial uses on ground and below ground levels and residential uses at any level. The district would limit height of buildings to 40 feet.

Robert St. Clair, President of the Noe Valley Merchants, read and submitted a letter which read as follows:

"The Noe Valley Merchants Association has taken a position against the zoning proposal now before the Planning Board. We feel that we have not had sufficient time or opportunity to fully examine and understand the proposals, or the alternatives to them. The arguments presented to us so far have been more emotional in content than factual, and have left many of us unclear on the real ramification of the whole down-zoning issue.

"Because of the fact that a number of 24th Street property owners are also merchants they cannot abandon their businesses to attend a daytime session such as this. Many of these people, who have genuine interest and concern in this matter, have contacted me as President of the Noe Valley Merchants Association for an explanation of these proposals. I have been unable, too often, to fully satisfy their questions, mainly because I do not entirely understand it myself.

"For these reasons we request a postponement in the hearing on this application, for at least 60 days, and a re-scheduling for a night hearing. Since no violations can be made under the existing restrictions there is no valid reason for not granting an extension of time to relieve us of the burden of blindly opposing or accepting proposals we do not fully understand.

"We would also like to request a meeting between the planning staff, the merchants, and the 24th Street property owners before any hearing is held so that a greater number of those directly affected by these proposals have more opportunity to become educated on these proposals by official interpretations."

President Lau asked if the applicants would be willing to have the matter postponed so that the staff could hold a meeting in the neighborhood as requested by Mr. St. Clair. Rick Leavy, representing the Noe Valley Neighbors for Action, stated that a meeting had already been held in the neighborhood which was attended by representatives of the staff of the Department of City Planning, representatives of neighborhood organizations, and Mr. St. Clair. He remarked that notices of the Commission's hearings had been sent to the owners of all of the properties in the area; and, in addition, all of the residents of 24th Street had been notified of the hearing. He noted that 75 to 100 people remained in the meeting room although the hour was late; and he felt that the Commission should proceed with its hearing.

President Lau then remarked that it would be more convenient for the Commission to proceed with the hearing than to schedule an evening meeting on another date. However, residents and merchants have to live together in the same neighborhood; and, if the merchants did not feel that they had had an opportunity to be properly informed about the proposal before the Commission, the issue might become a divisive one in the neighborhood.

Tony Rosales, owner of property on 24th Street, stated that he had not attended the meeting which had been held in the neighborhood; and he had not been aware of the proposal for re-zoning until he had received the notice from the Department of City Planning. Therefore, he joined with Mr. St. Clair in his request that the matter be postponed so that he would have an opportunity to become informed as to the issues involved.

Mr. Leavy requested that the Commission proceed with the hearing as scheduled and that it decide at the conclusion of the hearing whether the hearing should be continued to another date.

President Lau agreed to that course of action.

Mr. Leavy stated that the subject application was sponsored by the East and West of Castro Club, the Business and Professional Association of Noe Valley, the Friends of Noe Valley, and his own organization, the Noe Valley Neighbors for Action. He indicated that the application had been filed because of the threatened loss of the commercial and residential mix on 24th Street, because of the recent loss of a number of residential units on 24th Street, and because of environmental problems. He stated that the purpose of the application was to preserve the existing balance between commercial and residential activities on 24th Street.

Bartley Deamer, representing the Friends of Noe Valley, stated that Noe Valley is a unique neighborhood and that 24th Street is a vital part of it. 24th Street is surrounded by a purely residential neighborhood. By retaining residential uses on the upper floors of buildings on 24th Street, commercial rents would be kept lower and there would be less commercial congestion. The proposed rezoning was not intended to discourage commercial activities on 24th Street but merely to give assurances that future commercial development would not result in removal of the residential units presently available on the street.

Bill Wilson, representing the San Francisco Council of District Merchants Association, stated that most merchants are also residents of the City; and, as a result, they realize the necessity for coexistence. However, he felt that enactment of the proposed zoning at the present time would be premature insofar as no studies had yet been made to determine what the impact of R-3-C zoning would be. Although the text of the City Planning Code has had provisions for establishment of R-3-C districts for a number of years, that zoning classification had not yet been applied to any neighborhood commercial district. Thus, approval of the subject application would have city-wide ramifications. He urged the Commission either to postpone consideration of the matter for 60 to 90 days or to disapprove the application with the intent of reconsidering new zoning for the subject properties after the Residential Zoning Study had been completed.

Harry Aleo, President of the Noe Valley Business and Professionals Association, remarked that Mr. St. Clair had a two page letter on file with the Department of City Planning explaining why he was opposed to the proposed reclassification in spite of the fact that he had just claimed that he did not understand the proposal. He advised the Commission that commercial space can be rented for more money than residential space; and, as a result, he feared that there would be pressures for commercial occupancy of the upper floors of buildings in the area which would have the effect of driving people out of the apartments which they have occupied for a number of years. If people were forced to move from the subject neighborhood, the only alternatives would be to move to the Tenderloin district or to leave San Francisco. He urged that the proposed reclassification be approved.

George Rodriguez, Chairman of the Planning and Zoning Committee of the Mission Merchants Association, remarked that the staff of the Department of City Planning is presently engaged in a Commerce and Industry Study; and that study will provide information relating to the interface of commercial and residential uses which is not now available. Under the circumstances, he did not feel that the Commission should take action on the subject application until that study is completed. He then read the following memorandum which he had addressed to Robert Passmore of the Department of City Planning under date of March 9, 1977, as follows:

"After the Residential Rezoning Study hearing, a presentation was made to MMA members by Professor Daniel Solomon and his students of a study they had made, which included R-C Zoning. Their findings were that they could not determine any way to develop residential units over commercial without subvention-- i.e., the combination was uneconomical.

"We are currently pursuing the recent work of local builders using the R-C combination, to determine the economic characteristics of this kind of development in the field.

"Until such time as it is proven to us to the contrary, we strongly oppose rezoning to R-C, or any such zoning, that is economically unfeasible.

"We have been in touch with Mark Winogrand of the City Planning Zoning Department with regard to this issue. Upon conclusion of our investigation as to the economic feasibility of R-C zoning, we will contact him with the results."

Mr. Passmore read the following memorandum which had been addressed to him by Daniel Solomon in response to Mr. Rodriguez's memorandum:

"The presentation made to the Mission Merchants Association by myself and my students dealt only with the Lachman Brothers site at 16th and Mission. Conclusions based on that case study are dependent on the following conditions being met: location of the site within a dense R-C zone, high land costs, high demolition costs, and a low to moderate rental market. The conclusions that developing residential units over commercial is uneconomical and that the more housing that is built the less profitable it becomes were based on the above mentioned conditions and are not necessarily transferable to other nearby sites."

David O'Hara, representing the Noe Valley Neighbors for Action, felt that the subject application had been filed almost too late rather than prematurely. He advised the Commission that 29 residential units in the area had been converted for commercial use in the past fifteen years. Eleven of those conversions had occurred since last summer; and 8 of those 11 conversions involved upper floor space. The area has 320 dwelling units of which approximately 220 are on upper floors. At the present time, there are 120 businesses in the area; and, since the R-3-C zoning would still allow 40 ground floor residential units to be converted to commercial use, the number of businesses could increase by 20%. A survey had been made of people who live on 24th Street and had revealed that 30% of them have children, 25% are under 18 years of age, that 25% have lived in the same apartment for more than 5 years, that 12% have lived in the same apartment for 15 years, and that almost 40% have lived in Noe Valley for at least 5 years. He believed that the Commission should take action on the subject application immediately and not delay its decision for six months or a year.

Mervin Silverberg, a member of the Planning Committee of the San Francisco Council of District Merchants Association, remarked that a healthy commercial district must be able to expand; but he felt that the 24th Street commercial district should expand vertically rather than horizontally. Residential/commercial zoning would relegate commercial uses to the ground floor level; and, if that type of zoning were to be put into effect, he believed that use of the ground floor of the buildings for offices would eventually destroy the commercial district.

Commissioner Rosenblatt asked Mr. Silverberg if he could estimate the difference between rental rates for ground floor commercial space and ground floor general office space. Mr. Silverberg replied that ground floor office space rents for approximately one-half the amount of ground floor commercial space.

Commissioner Rosenblatt then observed that property owners and developers would benefit by installing commercial activities rather than offices under those circumstances.

John Knox, 3853 Army Street, stated that he had been asked to speak on the issue of environmental problems. The neighborhood has traffic problems as cars and trucks vie with each other, parking problems, public transit problems, cleanliness problems, and noise problems; and he felt that all of those environmental problems would be compounded by a further concentration of commercial uses in the area.

Roger Otto, President of the Mission Merchants Association, stated that he did not foresee a problem with regard to residents being forced out of their apartments by merchants; and, in fact, he felt that the real danger was that the proponents of the subject application were attempting to displace the merchants. Merchants and residents have an intertwined relationship because one group serves the other; and he felt that they should be able to co-exist in harmony. He stated that he was disturbed by the neighborhood's apparent attempt to hold down rental rates through zoning.

Mr. Leavy stated that supporters of the application felt that R-3-C zoning would protect existing housing and would assure that a stable commercial environment would continue to exist since the zoning would allow 40 new stores to be opened. He remarked that the purpose of zoning is not to serve as a tool for developers but as a means of guarding the health, safety, and general welfare of the community. He regarded the proposal for reclassification of the subject properties to R-3-C as a "plan" for Noe Valley; and he felt that that "plan" should be approved by the Planning Commission.

Dick Locke stated that he owns a pair of flats on 24th Street. If the proposed R-3-C zoning were to be adopted, he would no longer have the ability to convert his ground floor garage space into commercial space; and, as a result, he believed that the proposed zoning would have a significant impact on the value of his property. Of the 31 properties in his block, 15 are owner-occupied.

Many of the owners are older people who have no ambition to become rich but who do need the security afforded by the value of their property. He believed that the proposed zoning would lower the value of properties in the area; and, on behalf of other property owners in his block, he urged that the reclassification be disapproved.

Clair Pilcher, representing the Friends of Noe Valley, stated that she felt that the block of 24th Street between Diamond and Castro Streets where Mr. Locke's property is located should have been zoned exclusively for residential use. She indicated that the development of that block had been primarily residential in character until very recently. In any case, she remarked that no one has a vested right in the zoning of their property; otherwise, there would never be any zoning changes. R-3-C zoning would be reflective of the actual character of development in the subject neighborhood at the present time; and, if problems should develop after the new zoning has been implemented, further review of the zoning of the area could be scheduled in the future.

Pauline Gross, a merchant and a homeowner in the area, stated that she did not wish to have her property rezoned. While the new zoning might increase the value of properties which already have commercial uses on the upper floors, it would decrease the value of other properties. She advised the Commission that there are a number of empty residential buildings in the neighborhood; and, as a result, there is room for residential expansion. If proponents of the application feel that their rents are too high, she felt that they should approach the problem by working for tax reforms which would result in taxes being limited to the value of land and not to the value of improvements.

Fred Methner, Secretary of the East and West of Castro Street Improvement Club, Inc., read and submitted the following prepared statement:

"Bob Levering's article in the Guardian presents the various arguments, pro and con, on this rezoning proposal. And he did an excellent job, without taking sides. It all boils down to two opposites, i.e. the humanitarian side of residents vs. the 'rights' (and this in quotes) of business houses, landlords, entrepreneurs to do to and change a neighborhood any way they please, and no questions asked, please.

"I am a Senior Citizen. I speak for the older and middle-aged generations, but with definite pangs of sympathy for the younger people who cannot afford fancy places with fancy rents. I have seen any number of residents forced to vacate their homes to make room for some boutique or office spot, and this along 24th St., Chattanooga to Diamond. To me that ain't right. Being a resident on this section of 24th St., is no bowl of cherries by any stretch of the imagination. But it is preferable to being forced to live in the Tenderloin. I have with me an article in the April issue of the S.F. magazine under the heading 'Viewpoint', entitled 'Tenderloin Trap.' I shall give it to you as part of the record.

"Reading about conditions in the Tenderloin - and many poor Senior Citizens are forced to live there, not by choice but by force of circumstances - tugs at your heart strings. Uprooting residents from their accustomed residence, often their home for many years, is bad enough, but when there is a scarcity of low-rent housing, then it is cruelty and nothing less.

"We take our hats off to the Noe Valley Neighbors for Action to get this rezoning appeal started. Their compromise of still allowing stores and offices at ground level is a fair one. I have on my table at home several pages of petitions for rent control in the Noe V. Which merely shows how many renters are living under a constant strain due to possible higher rents. Renters along 24th St. must have one tough time of going to sleep at night, with the always present fear of finding an eviction notice in the mail box the next day.

"Aside from the humanitarian viewpoint, just about all residents want Noe Valley to retain a pleasant, wholesome, small town atmosphere, and we don't want to be driven to the point where though living near 24th St. we feel that the neighborhood shopping street is not ours any longer due to parking problems. Rezoning, would force business stores to spread out, and there is a lot of room still between Chattanooga and Church, and between Castro and Diamond. Pushing and squeezing everything into the 3 blocks betw. Castro and Church is what we don't want. Incidentally the area was zoned C-2 at a time when 24th St. on the north side was almost empty of stores. There was then no fear that residents would be replaced by offices, etc., and when "for rent" signs were often as many as 5 or 6 in a block. But those times are gone."

Mr. Slickk, a merchant on 24th Street, played a tape recording which he had made of noise on 24th Street earlier in the day. He stated that he had not taken a position for or against the proposed rezoning; however, he did not see how anyone would be helped by freezing the neighborhood at its existing level of development.

Charles Cihak remarked that the 24th Street commercial district is already a rather small area to be expected to serve the needs of the surrounding neighborhood; and he felt that R-3-C zoning would place an undue restriction on commercial growth in the area. Before the Commission acts on the application, he felt that further discussion should be held and that further analysis should be made of the possible impact of residential/commercial zoning.

Margarita Ortiz, the applicant, asked if the bookstore on the second floor of Mrs. Gross's building would be allowed to remain if R-3-C zoning were approved. Mr. Passmore replied that all existing commercial uses would be allowed to remain even if the owners of the buildings should change in the future.

Ms. Ortiz stated that her organization had conducted surveys of resident property owners in the area, residents of 24th Street, and merchants on 24th Street. Ninety-one per cent of the resident property owners surveyed were in favor of the proposed reclassification, 1% were opposed, and 8% were undecided. She displayed a map showing the location of properties owned by individuals who had been surveyed. Of the residents of 24th Street, 96% had been in favor of the proposed reclassification, 1% had been opposed and 3% had been undecided. Thirty-two merchants on 24th Street who were not affiliated with the Noe Valley Merchants Association had indicated their support of the rezoning proposal. She submitted a list of those businesses. In addition, she submitted letters of support which had been received from the Mission Planning Council and from the Eureka Valley Promotion Association.

Commissioner Rosenblatt, noting that Mr. Aleo had claimed that Mr. St. Clair had written a two page letter to the staff of the Department of City Planning explaining his reasons for opposing the proposed rezoning, asked if that letter was in the file. Mr. St. Clair replied that the meeting which had been held in the neighborhood had been held for the purpose of discussing the various alternative zoning patterns which might be imposed on the subject neighborhood; and his letter had been prepared to give his reaction to the general discussion not to a specific proposal for R-3-C zoning.

Joel Coopersmith remarked that Noe Valley has changed a great deal since 1964. Big apartment complexes have been constructed; and they have created a need for more and more commercial space. Additional services are needed in the neighborhood. At the present time, the neighborhood has no psychiatrist and only one lawyer. Additional appointment-type service facilities are needed. He felt that people should be able to shop and be served locally. Personally, he did not feel that second floor commercial uses are likely to have a great deal of success on 24th Street; but he believed that the fact that 24th Street is a commercial street should be recognized. It is the only commercial area in the neighborhood; and he did not feel that the proposed change of zone would be fair or equitable. He recognized that the shopping district needs more parking spaces and more open space; but he did not believe that the proposed rezoning would provide a long range solution for the neighborhood. In conclusion, he expressed the opinion that the 24th Street commercial district should be limited on a block-by-block basis but not on a floor-by-floor basis.

Bert Mondino, 309 Jersey Street, felt that the merchants who were opposing the proposed reclassification were doing so only because of the dollars and cents involved.

Ray Medrick stated that he was opposed to the application because he wished to open a second floor business.

Ron Green, a merchant on 24th Street, stated that he was in favor of the proposed reclassification. He stated that the shopping district does have doctors, lawyers, dentists and a psychiatrist's office. Consequently, those

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be carefully documented to ensure the integrity of the financial data. This includes recording dates, amounts, and the nature of the transactions.

In the second section, the author outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools. Each method is described in detail, highlighting its strengths and limitations.

The third section focuses on the results of the data collection process. It presents a series of tables and graphs that illustrate the trends and patterns observed in the data. The author provides a detailed explanation of these results, linking them back to the research objectives.

The final section of the document discusses the implications of the findings. It explores how the results can be used to inform decision-making and to develop effective strategies for improving organizational performance. The author concludes by summarizing the key points of the study and offering suggestions for future research.

services are being provided to the community. He indicated that he had owned a store in the neighborhood for four years and had resided in the neighborhood for five years, including three years on 24th Street itself. While 24th Street is noisy, it is convenient. He stated that he and other merchants on the street favored the proposed "downzoning"; and they felt that overdevelopment of the street would be the worst possible thing which could occur. He stated that small merchants like himself would profit from the "downzoning"; and, in the absence of the "downzoning", he believed that speculators would move into the neighborhood.

Commissioner Starbuck, noting that R-3-C zoning would allow an increase in both residential and commercial occupancy along the street, questioned that the proposed reclassification could properly be referred to as a "downzoning".

Mr. Green expected that merchants who would not be able to find ground floor commercial space on 24th Street would be tempted to try their luck in second floor space if the zoning should remain unchanged; and he reported that even on Union Street, 90% of businesses which had tried to establish themselves in second floor space had failed. When commercial uses have moved into second floor space, ground floor commercial tenants will be required to pay more rent. As a result, small businessmen would be forced out and the ground floor space would be taken over by bars, fast-food establishments, and other enterprises which could afford the higher rental rates.

Tony Rosales felt that 24th Street is developing in a wonderful way; and he believed that current development should be allowed to continue.

Harvey Milk stated that he operates a business in the Castro Street commercial district which is the nearest neighborhood shopping district to the 24th Street district. He invited the members of the Commission to visit his neighborhood to see what happens when second floor space is used commercially. He believed that the request for rezoning of the subject property represented a major philosophical problem which involved the question of whether economics or a way of life are more important. If the population of the city should continue to increase, bringing increased demands for services, the city may have no alternative but to give up and to "Manhattanize". However, he did not believe that "Manhattanization" is the answer at the present time. He remarked that the Castro Street shopping district was a desolate area six or seven years ago; but the area is now filled up and people who had wanted to start businesses in the area are moving to other neighborhood shopping districts which have not developed at the same rate. When 24th Street is occupied to capacity, other neighborhood commercial districts will offer opportunities for creative business people. As long as such alternatives exist, he felt that the Commission should avoid allowing any single commercial district to be over-built.

Howie Gillman stated that none of the people whom he knows who live in other mixed commercial/residential areas of the city like the street on which they live; but he felt that 24th Street provides an ideal combination of the two types of uses. He distributed photographs which he had taken of activities on the street. In conclusion, he stated that it seemed to him that the proposal for R-3-C zoning for the subject property was a logical proposal.

Victoria Doyle, an environmental specialist for the Department of Health, Education and Welfare, stated that she lives in a second floor flat on 24th Street which could be converted for commercial use; and she indicated that she does not wish to move. She believed that expansion of commercial activities on 24th Street could have a significant environmental effect, particularly in terms of parking congestion and displacement of residents; and she urged that the proposed rezoning be approved immediately.

Mr. St. Clair stated that he had been a merchant on 24th Street for twenty years; and he indicated that the Noe Valley Merchants Association is the only merchants association on 24th Street to be recognized by the San Francisco Council of District Merchants Associations. He realized that he had to depend on the patronage of residents of the area; and, as a result, he was anxious to avoid animosity. However, the meeting which had been held in the neighborhood had been completely general in nature; and nothing had been said of a specific application to reclassify the area to R-3-C. He had been made aware of the application only recently; and he had not had time to familiarize himself thoroughly with the ramifications of the proposal. Most of the merchants who operate businesses on the street were not present because the matter had been calendared for consideration at an afternoon meeting. The members of his association do not know what R-3-C means; and he questioned whether other individuals who had addressed the Commission were more knowledgeable. Therefore, he hoped that the Commission would postpone action on the application.

Yvonne Ward stated that she could not understand how approval of the subject application would cause more traffic on 24th Street.

Julie McKenna, owner of property on Noe Street between Elizabeth and 23rd Streets, stated that she favored the proposal for R-3-C zoning for the area; but she admitted that she was as confused as Mr. St. Clair as to what that zoning would mean. She stated that Noe Valley has always been a residential area; and, if commercial activity on 24th Street should continue to expand as some of the merchants seemed to want, she felt that she would move to the suburbs. She remarked that the Mission Merchants have been trying to move into the Noe Valley area for years; and she felt that they should tend to their own problems.

John Cohan stated that he did not wish to see 24th Street become another Union Street; and, as a result, he supported the proposal for R-3-C zoning.

Commissioner Bierman asked what the appeal process would be if the Commission were to act on the subject application. Mr. Passmore replied that approval of the reclassification would automatically go before the Board of Supervisors. If the application were to be disapproved, a petition with signatures of the owners of 20% of the affected property would be required to perfect an appeal to the Board of Supervisors.

Rai Y. Okamoto, Director of Planning, asked Mr. Passmore to present the staff recommendation on this matter. Mr. Passmore stated that residential/commercial zoning districts were incorporated into the City Planning Code in 1968. The Tenderloin District had been classified as an R-5-C district. However, this was the first occasion in which a request for mapping of an R-3-C district had been brought before the Commission. As a result, the staff had had no experience with an R-3-C district. The staff felt that some protection should be afforded to the 24th Street commercial district; but it did not feel that imposition of inflexible R-3-C standards would be appropriate at the present time. Therefore, the staff had prepared two draft resolutions for consideration by the Commission. The first draft resolution would disapprove the subject application. The second draft resolution contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the public necessity, convenience and general welfare require that the Commission hereby establish a policy of reviewing under its discretionary powers all applications which would result in the loss of existing dwelling units or the creation of new commercial uses which are permitted in a C-2 but not a C-1 district, unless the Commission's staff advises that no substantial adverse effect would result from completion of the proposed project; and

"BE IT FURTHER RESOLVED, That this policy of discretionary review is to be effective for 18 months while the Department of City Planning is completing the Commerce and Industry Study and subsequent zoning studies."

Commissioner Bierman remarked that the staff had prepared the text amendments which had incorporated the R-3-C district into the City Planning Code; and residents of the subject neighborhood had worked hard on their application to reclassify the subject properties to R-3-C. Under the circumstances, she indicated that she would be unable to support the staff recommendation.

Mr. Passmore noted that work was still being done on the Residential Zoning Study; and one of the proposals which will be forthcoming from that study will be a proposal for an R-C-1 district which would allow commercial uses on upper floors with specific authorization by the Commission. He felt that such a zoning classification might be more appropriate for the subject properties than R-3-C.

Commissioner Bierman observed that the Commission had already turned down requests for commercial occupancy of second floor space on 24th Street under its discretionary review powers.

Commissioner Rosenblatt felt that the fact that the Commission had already disapproved applications for second floor commercial occupancy on 24th Street indicated what approach the Commission would be likely to take in the future. Therefore, instead of accepting the recommendation of the staff, he felt that the Commission should take the application under advisement indefinitely. That action would leave the R-3-C standards in effect as Interim Zoning Standards; and

the staff and the Commission would have an opportunity to study the effect of those standards. He then moved that the matter be taken under advisement indefinitely. The motion was seconded by Commissioner Bierman.

Commissioner Rosenblatt explained to members of the audience that the next time this matter would come before the Commission for discussion would probably be within the context of the final Residential Zoning Study recommendations.

When the question was called, the Commission voted unanimously to take this matter under advisement indefinitely.

CONSIDERATION OF MODIFICATIONS TO ZONING MAP INITIATED BY THE CITY PLANNING COMMISSION ON MAY 20, 1976, BY RESOLUTION NO. 7499:

MAP CHANGES

- a. 1289 - 19TH AVENUE; ASSESSOR'S BLOCK 1731, LOT 18: FROM RH-2 TO C-2
- b. 2201 THROUGH 2465 VAN NESS AVENUE, 1525-31 AND 1555 UNION STREET, AND 1250 GREEN STREET; ASSESSOR'S BLOCK 546, LOTS 1, 1A, 1B, 2, 3, 4, AND 5; ASSESSOR'S BLOCK 551, LOTS 1, 1A, 1B, 2, 3, 4, 4A, AND 5; AND ASSESSOR'S BLOCK 570, LOTS 1, 2, 3, 4, 5, 29, AND PART OF 7: FROM R-C-1 TO C-2.
- c. 1100-1106 AND 1101-1103 STANYAN STREET; ASSESSOR'S BLOCK 1276, LOT 21, AND ASSESSOR'S BLOCK 2630, LOT 1: FROM RH-3 TO C-1.
- d. ALVARADO STREET, NORTH SIDE 105 FEET EAST OF DIAMOND STREET; ASSESSOR'S BLOCK 2771, LOTS 49, 50, AND 57: FROM RH-1 TO RH-2.
- e. SAN JOSE AVENUE; ASSESSOR'S BLOCK 3645, LOTS 1, 2, 3, 4, 5, AND 6: 112 THROUGH 198: FROM RH-2 TO RH-3.
- f. 120 BURROWS STREET; ASSESSOR'S BLOCK 5981, LOT 13: FROM RH-2 TO C-2.

Robert Passmore, Planner V (Zoning), distributed maps which showed the location of the properties proposed for reclassification and explained the nature of the mapping error involved in each case. At the conclusion of his presentation, he recommended that the proposed modifications of the proposed zoning maps initiated under City Planning Commission Resolution No. 7499, which was adopted by the Commission on May 20, 1976, be approved.

No one was present in the audience to speak in opposition to the proposed zoning changes.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7705 be adopted and the proposed zoning changes be approved.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

AUG 31 1977

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CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 21, 1977.

The City Planning Commission met pursuant to notice on Thursday, April 21, 1977, at 12:00 noon at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Ina F. Dearman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Robert Passmore, Planner V (Zoning); Richard Hedman, Planner V (Urban Design); Lucien Blazej, Planner IV; Nathaniel Taylor, Planner III; Dave Fulton, Planner II; Jeremy Kotas, Planner II; Xandra Malandra, Planner II; Patricia Salinas, Staff Assistant III; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:00 NOON - FIELD TRIP

Members of the Commission and staff took a field trip with representatives of the San Francisco Council of District Merchants Associations to selected neighborhood shopping districts.

2:15 P.M. - 100 LARKIN STREET

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the Regular Meeting of March 31, 1977 be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the Clerk of the Board of Supervisors had invited the Commission to comment on a proposed Charter amendment which would provide that not more than one person from any supervisorial district could be appointed to certain boards and commissions, including the City Planning Commission. He indicated that the staff of the Department of City Planning would be willing to transmit any comments which might be made by members of the Commission regarding the proposal.

The Director reported that the Board of Permit Appeals, meeting on the previous evening, had voted to sustain the issuance of a building permit for occu-

pancy of the former Sears store at 3120 Mission Street by the State Employment Development Commission. The Director remarked that the issuance of the permit had been opposed by the Mission Planning Council; and that Council felt the problem had arisen partly as a result of ineffective liaison in the neighborhood by the staff of the Department of City Planning. He indicated that the staff liaison assignment to the neighborhood is in a state of transition; and he indicated that Patricia Salinas, who has bi-lingual skills, will assume responsibility for liaison with the Mission District.

Robert Passmore, Planner V (Zoning), noted that the Commission had received a request from the President of the Stanyan-Fulton Street Neighborhood Association requesting that an application for reclassification of an area generally bounded by Geary Street, Masonic Avenue, Arguello Street and the Panhandle be treated as an application for reclassification of a major sub-area of the City and that the application be extended for one year. Mr. Passmore indicated that the staff would prepare a recommendation for consideration by the Commission in its meeting next Thursday.

The Director reported that the Commission is scheduled to take a zoning field trip at 12:30 p.m. next Thursday, April 28.

The Director reminded the Commission that a second meeting on the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area will be held this Saturday, April 23, from 1:00 p.m. until 4:00 p.m. in the Plaza Room of the Hilton Hotel.

The Director announced that two meetings are scheduled on Saturday, April 30, to discuss neighborhood plans. The first meeting, for discussion of the Potrero Hill Plan, will be held at 10:00 a.m. at the Potrero Junior High School at 19th and De Haro. The second meeting, for discussion of the Chinatown Neighborhood Plan, will be held at 1:00 p.m. at the Chinese Methodist Church, 920 Washington Street.

The Director advised the Commission that the Mayor's Office is preparing a preliminary application for Federal funds for a neighborhood preservation program in the Ingleside District.

The Director reported that the Board of Supervisors had requested the Airports Commission to defer action on a proposed bond issue for modernization of the Airport so that citizens and other public agencies would have an opportunity to comment on the proposal; and he indicated that he would prepare a memorandum and a draft resolution on the matter for consideration by the Commission at its meeting next Thursday. Commissioner Starbuck stated that he had intended to ask the Commission to adopt a resolution on the same subject.

The Director introduced Xandra Malandra who has recently joined the staff as a Planner II.

Commissioner Starbuck stated that he would prepare a draft resolution for consideration by the Commission next week which would urge the Redevelopment

Agency to delay plans for demolition of the apartment buildings on the site of the proposed Performing Arts Center Garage. He also noted that Supervisor Tamaras had requested that hearings be held to consider the desirability of requiring that all new high-rise buildings in San Francisco have emergency helicopter landing pads. The matter has been referred to the Planning, Housing, and Development Committee of the Board of Supervisors; and he felt that the Commission should be prepared to comment on the proposal when it is heard.

Commissioner Rosenblatt announced that the Department of City Planning will be co-operating with the San Francisco Art Institute and the San Francisco Museum of Modern Art in a unique project in which artists, architects, scientists and ecologists will work together to evolve new tools and methodologies for the solution of problems specific to the Northern Waterfront. The project, to be funded in part by a grant from the National Endowment For the Arts, will begin April 25 and continue through September.

Commissioner Rosenblatt, noting that President Carter had just prepared a program to deal with the energy crisis, encouraged the staff of the Department of City Planning to take an aggressive approach towards preparation of policies for energy conservation. The Director responded that the staff is already moving in that direction; and he indicated that funds are being requested through the 701 Program to hire a full-time staff person to work in the area of energy conservation.

CONSIDERATION OF A DRAFT RESOLUTION RESPONDING TO THE "16TH STREET:
A NEIGHBORHOOD STUDY" PREPARED BY THE MISSION PLANNING COUNCIL.

George A. Williams, Assistant Director-Plans and Programs, noted that the Commission had been given copies of the 16th Street report several weeks ago.

Betty Anello, representing Operation Upgrade, urged that the Commission endorse the report as an official neighborhood study. She also indicated that the Mission Planning Council is preparing a follow-up study which will deal with commercial and business issues.

Patricia Salinas, Staff Assistant III, presented and summarized a memorandum containing the staff's responses to the recommendation made in the report. The memorandum, dated April 20, 1977, is available in the files of the Department of City Planning. Following the presentation, Ms. Salinas responded to questions raised by members of the Commission.

Lucien Blazej, Planner IV, recommended the adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission commends the efforts of the Mission Planning Council and members of Operation Upgrade;

"BE IT FURTHER RESOLVED, That the City Planning Commission does hereby accept Sixteenth Street: A Neighborhood Study as an

official neighborhood study; and hereby states its intention to take into consideration the recommendations contained in this study when reviewing development proposals, zoning changes, master plan amendments, and other matters as may come before the Commission;

"BE IT FURTHER RESOLVED, That the staff of the Department of City Planning continue to provide technical assistance for further planning and implementation of recommendations."

After discussion, it was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the draft resolution be adopted.

Commissioner Rosenblatt stated that he did not necessarily agree with some of the philosophy expressed in the epilogue of the report. Furthermore, he was concerned about some of the social objectives expressed in the report. However, while he had reservations about certain specific elements of the report, he would be prepared to vote to endorse the report in general with the understanding that he was not necessarily subscribing to everything contained in the report.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7706.

CONSIDERATION OF A DRAFT RESOLUTION REQUESTING THE MAYOR TO APPLY ON BEHALF OF THE DEPARTMENT OF CITY PLANNING TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR 701 COMPREHENSIVE PLANNING AND MANAGEMENT FUNDS IN THE SUM OF \$60,000.

George A. Williams, Assistant Director-Plans and Programs, recommended the adoption of a draft resolution which read as follows:

"WHEREAS, The Federal Department of Housing and Urban Development (HUD) provides financial assistance for planning and management activities under Section 701 of the Housing Act of 1954, as amended; and

"WHEREAS, Title IV of the Housing and Community Development Act of 1974 requires the completion of a Housing and Land Use Element to a community's Master Plan by August 22, 1977, as prerequisite for future Federal planning and management assistance; and

"WHEREAS, The City and County of San Francisco has been receiving '701' assistance for planning and management activities; and

"WHEREAS, HUD has earmarked \$60,000 for the City and County for planning and management activities during the fiscal year July 1977 through June 1978; and

"WHEREAS, These earmarked funds have been allocated to the Department of City Planning to aid in the development of energy conservation policies for incorporation into the land use and housing elements to the City's Master Plan and for the development of prototype neighborhood land use and housing plans and annual improvement programs;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby request that the Mayor of the City and County of San Francisco apply for and receive a planning and management grant under Section 701 of the Housing Act of 1954 to be administered by the Department of City Planning; and

"BE IT FURTHER RESOLVED, That the City's matching share shall be provided by in-kind personnel services and overhead; and

"BE IT FURTHER RESOLVED, That the City is committed to apply its affirmative action policy to planning and management activities and, where consultant services are involved in such activities, to stress the solicitation of minority consultants for such services."

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7707.

CONSIDERATION OF A DRAFT RESOLUTION ENDORSING THE REPORT ON OCEAN AVENUE PREPARED BY THE SAN FRANCISCO DEVELOPMENT FUND AND THE DEPARTMENT OF CITY PLANNING.

Nathaniel Taylor, Planner III, noted that a draft of the Report on Ocean Avenue Commercial Revitalization had been presented to the Commission on January 20, 1977; and, subsequently, copies of the final report had been made available to members of the Commission. He then summarized the process which had led to preparation of the report.

Commissioner Rosenblatt stated that he was still concerned about the economic relationship between the Stonestown Shopping Center and the Ocean Avenue commercial strip.

Mr. Taylor replied that surveys which had been undertaken had indicated that most of the residents of the neighborhood preferred to do their day-to-day shopping on Ocean Avenue; and the staff felt that Ocean Avenue could be an economically viable shopping district if it specializes in convenience goods of high quality.

Don L. Ralya, Project Director of the Housing Conservation Institute, stated that he did not regard the Stonestown Shopping Center to be in competition with Ocean Avenue. He indicated that he visualized Ocean Avenue as a neighborhood-

type shopping center such as Lakeside, West Portal, etc.

Veronica Honeycutt, representing the Ocean View-Merced Heights-Ingleside Community Association (OMI) felt that most residents of the subject neighborhood would shop on Ocean Avenue if the street were flourishing. For that reason, her organization had endorsed the report.

Paul Wheatley stated that traffic moves too fast on Ocean Avenue; and he felt that more people would shop on the street if it were safer. He felt that it would help if traffic signals were to be installed on the street by the City.

Mr. Taylor stated that the staff had discussed the issue with the Department of Public Works, but that department did not feel that traffic signals would be effective; however, they did intend to do a study of traffic in the area.

Linda Squires, representing the City College of San Francisco, remarked that the college, with its 26,000 students, adds to the problems of the neighborhood; and, as a result, they felt a responsibility to work with the merchants and the Department of City Planning to prepare recommendations for upgrading and improving the area. The merchants and various city agencies would have to co-operate in implementing the recommendations contained in the report; and, as a starting point, she hoped that the report would be endorsed by the Commission.

Commissioner Bierman stated that she would be willing to endorse the report; however, she did not feel that endorsement by the Commission should carry with it a commitment to react to any future development proposals in any particular way. She felt that it would be essential for the Commission to keep its options open regarding such issues as the development of the former Homewood Terrace site.

Commissioner Carey explained to individuals who were present in the audience that endorsement of the report by the Commission would not necessarily result in implementation of the recommendations contained in the report.

Commissioner Rosenblatt stated that he would be willing to vote for adoption of the draft resolution which had been prepared by the staff on this matter; however, he indicated that he did not necessarily agree with the figures cited in one of the whereas clauses of the resolution which read as follows: "Whereas, this report reviews the existing economic conditions on the Avenue, and estimates the potential for increased business development to be in the range of \$5.6 - \$7.6 million annually."

Mr. Taylor recommended the adoption of a draft resolution which contained the following resolved clause: "Therefore be it resolved, that the San Francisco City Planning Commission does hereby endorse the Ocean Avenue Commercial Revitalization Plan as called for in the Ocean Avenue Report, and urges all relevant agencies and parties to vigorously pursue the actions called for to implement the plan."

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7708.

At this point in the proceedings, Commissioner Starbuck temporarily absented himself from the meeting room.

CONSIDERATION OF A DRAFT RESOLUTION ENDORSING THE TRANSPORTATION STRATEGY AND PROGRAMS REPORT.

George A. Williams, Assistant Director-Plans and Programs, recommended the adoption of a draft resolution which read as follows:

"WHEREAS, On April 27, 1972, the City Planning Commission adopted the Transportation Element of the San Francisco Comprehensive Plan, incorporating policies and objectives for the development and management of transportation in the City of San Francisco; and

"WHEREAS, In order to implement these policies and objectives the Department of City Planning in conjunction with the Department of Public Works, the Municipal Railway and other relevant Departments of City government have prepared a report of programs and strategies, entitled, Transportation Strategy and Programs; and

"WHEREAS, Public hearings were held on this report on November 9, 1976;

"THEREFORE BE IT RESOLVED, That this Commission endorses the report, Transportation Strategy and Programs, and urges the Department of City Planning and other relevant city departments and agencies to act upon its contents."

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7709.

At this point in the proceedings, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table.

CONSIDERATION OF A DRAFT RESOLUTION REGARDING A PROPOSED CHARTER AMENDMENT TO CREATE A DEPARTMENT OF TRANSPORTATION AND TO REMOVE TRANSPORTATION PLANNING FUNCTIONS FROM THE DEPARTMENT OF CITY PLANNING.

Rai Y. Okamoto, Director of Planning, presented and summarized a memorandum on the subject which read as follows:

"Board of Supervisors' President Quentin Kopp has introduced two alternative proposed City Charter amendments, either of which

would create a city Department of Transportation and remove from the Commission its present charter and administrative code functions and duties to do transportation planning. As background to a proposed resolution for your adoption, a brief overview of these responsibilities in relation to the Commission's comprehensive planning responsibilities may be of assistance. Together with the resolution, should you adopt it, will constitute our response to a request for comments received from the Clerk of the Board.

"The Planning Function and the San Francisco Master Plan

"The importance of comprehensive planning to the general public welfare was recognized by the framers of the San Francisco City Charter, who built upon State of California planning legislation dating as far back as the 1920's. Included among the basic elements of a city's Master Plan in this early state and local legislation were: 1) the preparation of a long-range Land Use Plan, concerned with all public and private uses of land, and 2) the preparation of a comprehensive long-range Transportation and Circulation Plan. Today State law still mandates a circulation element and that such element 'consisting of the general location and extent of existing and proposed major thoroughfares, and other public utilities and facilities' must be 'all correlated with the land-use element of the plan.' (Government Code. Article 5, Section 65302).

"The City Charter provides (Sec. 3.524) a further mandate for transportation planning whereby 'The master plan shall show the general location, character and extent of existing and proposed street railway, bus, railroad, air, water, and other transportation routes and terminals, public ways, grounds, and open spaces...' The remainder of this Charter Section describes the other scope and content of the master plan.

"As adopted by the San Francisco City Planning Commission the Master Plan is an instrument of policy and is not a mandatory or precise plan. Since the City Planning Commission is an advisory agency, dealing with a broad range of issues with no operating responsibilities, hence it is uniquely qualified among all city government agencies to objectively analyze the relationship between short term projects proposed by operating departments and to the long-range needs of the city as expressed in the Master Plan. The importance of this function has been recognized repeatedly and strengthened both by city government actions and successive votes of the people of San Francisco in the form of Charter amendments to assist the Planning Department to implement the Master Plan in a consistent manner. These amendments have produced such tools as the 'referral' process, under which all official

proposals involving the acquisition, disposal, or change in uses of public land must be referred to the Department of City Planning for a report as to conformity with the Master Plan before the Board of Supervisors may authorize any such transaction, and the Capital Improvement Program, under which each project is analyzed in relation to existing and proposed capital improvements, and as to its service relationship to private developments, to determine conformity with the San Francisco Master Plan.

"The Relation between Land Use and Transportation

"Consideration of planning policy for the community concerns itself basically with the central business district, residential areas and local shopping, industrial districts, and public services and facilities for government, schools, parks and playgrounds, health and sanitation, and utilities, as well as streets and highways, mass transit facilities, pedestrian rights-of-way and off-street parking. The nature of each of the land uses itself requires its own set of related transportation facilities, and off-street parking is itself a significant land use.

"While it can be said that some transportation activity exists for its own sake such as recreational motoring, bicycling, and some general recreation, most transportation is a pragmatic matter existing primarily to move people and goods from place to place in support of other activities and purposes. With the exception of a totally new settlement or journey of exploration, transportation exists to serve existing land uses and activities. Transportation planning therefore is in its most basic form an independent variable element in comprehensive planning deriving its form, pattern, and capacity from the needs it serves. While this supportive role may be correct theoretically, in practice it has also become evident that manipulation of various transportation system elements (paths, intersections, access points, terminals, etc.) can effectively establish or modify the pattern of land uses and other typical master plan elements such as housing, urban design, commercial and industrial facilities, etc. Low density suburban areas, for example, are in part the product of private transportation technology (the auto) and a favorable development climate (cheap land, FHA and freeway development), whereas high density city centers are often supported by high density public transit systems.

"Both because transportation serves land uses and because it can change the shape of existing cities, transportation planning is a critical integral activity in the overall planning process and complete removal of this function from city-wide or neighborhood planning would fragment and weaken the city's grasp of those policies and plans affecting its physical, social and economic well being.

"In practice for the Commission's efforts to be effective as an advisory body the good will and cooperative support of transportation or other types of operating agencies must be obtained. Historically this has been the case through successive undatings of the Master Plan. The Planning Department has also related its work to the needs of the operating departments; while maintaining its concern for a balanced transportation system.¹ In general, comprehensive planning in San Francisco can be said to work.

"General Planning and Operational Activities

"The policies and plans for transportation expressed in the Master Plan reflect a general balance at the policy level of the city's various needs. The implications these plans have for operations and implementation are generally the responsibility of operational agencies, such as DPW and MUNI. It is important to understand the two kinds of activities represented by the current responsibilities of the operating agencies and those of the Planning Commission in order to assess the Charter amendment proposal.

"General transportation planning involves system expansion and improvements needed to attain certain desired long-range goals for the city. Specific transportation goals, with their system improvements, must be coordinated with all other elements of general planning, such as land use, housing recreation, education, business and industry. As defined by the Charter, general transportation planning involves defining 'the general location, character, and extent of existing and proposed street railway, bus, railroad, air, water, and other transportation routes and terminals' within the scope of the general Plan.

"Operational planning is generally specific and involves the resolution of immediate issues and problems on a day-to-day basis. The direction of operational planning is defined by general planning, which involves the longer-range view. Operational planning, therefore, should be done in conformity with the policies established by general planning.

"Operational planning as related to transportation includes (but is not limited to):

"Under thoroughfares:

"specific improvements to major thoroughfares

¹1. The Transportation Policy Group (DCP, DPW, MUNI) and the Mayor's Transportation Cabinet (DCP, DPW, MUNI, Police, Parking Authority) work to coordinate operational transportation activities.

- "pavement reconstruction
- "traffic signals and channelization
- "street lighting
- "landscaping

"Under public transit:

- "reconstruction and replacement of rolling stock, office buildings, transit yards, etc.
- "capital improvements including new storage and maintenance facilities for transit vehicles, new rail routes, transit stops and shelters
- "and, in general, scheduling, rates, personnel planning, specific coordination among transit systems.

"It is important that the City's operating departments maintain an in-house operational planning capacity to complement the general planning responsibilities of the City Planning Department. The Municipal Railway did not have such a capacity until the last few years, when the Planning Department and the Public Utilities Commission sought and obtained funding for an in-house Muni Planning staff. That staff is now in place and, under the proposed staff reorganization plan adopted by the Public Utilities Commission, should have the capacity and structure to deal effectively with transit operational planning.

"Present Deficiencies in the System

"There is a need to better coordinate operations in implementation of comprehensive citywide transportation plans. Transportation operations are currently fragmented among several operating departments, and there is evidence of the need for better mechanisms to rectify such fragmentation.

"The current Transportation element of the Master Plan, as adopted by the City Planning Commission in 1972, notes that 'it is beginning to seem less useful to allocate transportation functions by mode or facility among separate agencies within one level of government...More coordination is required: reorganization and consolidation of transportation functions would be desirable as a part of a general restructuring and streamlining of City government.' The need for and desirability of consolidation of transportation modal functions within a single level of government has been recognized successively in recent years by the federal and state governments by the creation of the U.S. Department of Transportation and the California Department of Transportation, and at the regional level by the creation of the Metropolitan Transportation Commission.

"At the local level the idea of a City Department of Transportation was part of the overall charter reform proposal of the 1960's, and after publication of the Transportation element of the Master Plan, Supervisor Robert Mendelsohn introduced the proposal for a City Department of Transportation in 1973. On their own the city departments involved in transportation have organized voluntary coordination groups, including the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) and the Transportation Policy Group. These associations may not be sufficiently powerful as presently constituted to force integration of planning responsibility and proposals when needed, and there may be a need for some new structure.

"The Transportation Strategy and Programs Report, published by the City Planning Department in late 1976, calls for creation of a San Francisco Department of Transportation because the city 'requires the best possible, most efficient and effective local transportation agency,' particularly in maximizing interests of San Francisco in dealings with the regional, state and federal transportation agencies.

"Any administrative and/or structural changes in city government to better the delivery of transportation services and facilities to the citizens of San Francisco ought to be made to rectify current problems while avoiding the creation of new problems.

"Current Proposal

"Supervisor Kopp's two proposals differ in one major respect. Version 'B' would merge the transportation engineering planning and operating functions of the Municipal Railway, the Parking Authority, the City Planning Department and the Department of Public Works, while Version 'A' would exclude the transportation functions of the Department of Public Works. Version 'A' then, by omitting a major transportation operator, would rearrange City government structure without substantial rectification of the major coordination problem among the operators. Unfortunately, the very existence of version 'A' throws into question the basis of the concept behind the current proposals, and evidently indicates a difference from the comprehensive understanding of the need as expressed in the Master Plan and Strategy and Programs report.

"More importantly, both versions would strip the Department of City Planning of any responsibility for comprehensive transportation planning and even of the responsibility to advise and recommend to the Board of Supervisors on transportation matters, including those projects which come through the 'referral' process, as they effect the Master Plan.

"In addition to these very major problems of the current proposals, there are other problems, seeming 'errors', and unresolved related issues.

For example, while both versions would remove City Planning's responsibility for airport and seaport planning, there is no indication of where that responsibility would then be placed. The nomenclature is somewhat unclear among the versions, as in one case a 'Transit' Commission presides over a 'Transportation' Department and in another a 'Transit' Commission has responsibility for streets and highways engineering.

"The proposed Charter language does not sufficiently indicate a rationale for excluding what are now the independent Airport and Port Commissions from this agglomeration, although there may be very good reasons for doing so. And there is no indication of why a Public Utilities Commission should remain a Commission, having divested itself successively of the airport and then the Municipal Railway, or, alternatively, why there should not be created an equivalent Public Works and Public Utilities Commission, along the order of the new Transportation Department. Rearranging the structure of government without a clear delineation of these issues and trade-offs can be an exercise in frustration and antithetical to the improved management of city government. Other options, short of major structural change, also have not been exhausted; for example, the Transportation Policy Group could be given much more specific and greater powers in the coordination of City transportation matters.

"Specific Changes Required

"The current proposals are not desirable in their current form. The following specific changes are among those which must be made in order to produce a genuine improvement in transportation services and facilities in San Francisco.

"The proposed change in existing Charter Section 3.524 to remove 'street railway, bus, railroad, air, water, and other transportation routes and terminals' from the defined content of the Master Plan should be deleted. The Master Plan adopted by the City Planning Commission should continue to include those items.

"The proposed changes in existing Section 3.527 should be deleted so that matters relating to 'transportation routes' continue to be referred to the Department of City Planning for an advisory opinion as to consistency with the Master Plan.

"The changes in existing Section 3.529 which would prevent the Department of City Planning from acting in an advisory capacity to the Board of Supervisors and other departments with respect to 'general location, character and extent of existing and proposed street railway, bus, railroad, air, water, and other transportation routes and terminals' should be deleted. It will continue to be important for the Department to comment on land use implications of these issues from a comprehensive planning perspective.

"The third paragraph in the proposed new Section 3.696 which would transfer from the City Planning Commission to the Transit Commission all responsibility for transportation portions of the Master Plan should be deleted.

"New Section 3.696-5 which calls for the transit commission to adopt and maintain 'a comprehensive, long-range general plan for the improvement and future development of mass transit, parking and vehicular traffic' should be modified. The last sentence which reads: 'Said plan shall be known as the general transportation plan and shall be part of and shown in the Master Plan' should be modified to read: 'Said plan shall be coordinated with and be consistent with the Master Plan of the City and County.'"

The Director then recommended the adoption of a draft resolution which contained the following resolved clause: "Now therefore be it resolved, that the City Planning Commission be and hereby is opposed to the proposed Charter revisions in their present form and recommends that the specific changes outlined in the memorandum dated April 21, 1977, and entitled "The Department of Transportation" be made in the said proposal."

Michael McGill, Assistant Director of the San Francisco Planning and Urban Research Association (SPUR), stated that the Board of Directors of his organization had discussed the proposed Charter amendment; and they felt that it would be preferable to consolidate the various transportation operating functions under the Public Utilities Commission. The Public Utilities Commission would then become a Transportation Commission; and there would be no need to establish an entirely new Commission. If necessary, responsibility for operating the Water Department and the Hetch-Hetchy System could be transferred from the Public Utilities Commission to the Chief Administrative Officer. He also noted that the proposed Charter amendment would provide that appointees to the new position of Director of Transportation would be subject to confirmation by the Board of Supervisors; and the members of his Board did not feel such an overlapping of legislative and executive functions would be desirable.

During the course of the discussion which ensued, members of the Commission decided that it would be difficult to comment on all of the aspects and ramifications of the proposed Charter amendment at the present time. In requesting the Commission to comment on the proposed Charter amendment, the Clerk of the Board of Supervisors had asked that the comments be submitted no later than April 25; and, if that deadline were to be met, the Commission felt that it should limit its comments to aspects of the proposal which would directly affect the Department of City Planning. As a result, it was moved by Commissioner Rosenblatt, and seconded by Commissioner Bierman that a resolution with the following modified resolved clauses be adopted:

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission be and hereby is opposed to the proposed charter revisions in their present form and recommends that the specific changes outlined in the

memorandum dated April 21, 1977 and entitled 'City Department of Transportation' be made in the said proposals; and

"BE IT FURTHER RESOLVED, That other aspects of the proposals require further study before they can be commented on or endorsed by the City Planning Commission."

Commissioners Carey and Elliott requested permission to abstain from voting on this matter because of their affiliation with other departments which would be affected by the proposed Charter amendment. Permission for the abstention was granted by other members of the Commission.

When the question was called, the Commission voted unanimously to adopt the revised draft resolution as City Planning Commission Resolution No. 7710. Commissioners Carey and Elliott abstained from voting with the permission of other members of the Commission.

PRESENTATION OF THE FINDINGS OF THE DEPARTMENT OF CITY PLANNING'S SURVEY OF ARCHITECTURALLY SIGNIFICANT BUILDINGS IN SAN FRANCISCO.

The matter was postponed until the Commission meeting on May 19, 1977.

The meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, April 28, 1977.

The City Planning Commission met pursuant to notice on Thursday, April 28, 1977, at 12:30 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Charles Starbuck, and John Wentz and his alternate George Carey, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Lucian Blazej, Planner IV; Alec Bash, City Planning Coordinator; Charles Gill, City Planning Coordinator; Alan Lubliner, City Planning Coordinator; Ralph Gigliello, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

12:30 P.M. - Field Trip

Members of the Commission and staff departed from 100 Larkin Street at 12:30 p.m. to take a field trip to properties scheduled for consideration during May.

2:15 P.M. - Room 282, City Hall

APPROVAL OF MINUTES

It was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the minutes of the Regular Meeting of March 3, 1977, be approved with corrections and that the minutes of the Special Meeting of March 31, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, informed the Commission that he had signed an agreement with the Foundation for San Francisco's Architectural Heritage to create a \$200,000 preservation loan program to assist in the preservation of some of San Francisco's architecturally significant buildings. He indicated that the Foundation for San Francisco's Architectural Heritage will administer the program, make information about the program available to the public, receive and process loan requests, and monitor all projects to assure that all work done is consistent with the policies and objectives of the program. In addition, Heritage will work in cooperation with a seven-person program committee. The Director of City Planning, a representative of the Landmarks Preservation Advisory Board, and five other persons appointed by the Mayor will constitute the committee.

The Director commented on the annual convention of the American Society of Planning Officials which was held in San Diego earlier in the week.

The Director reported that the official hearing on the proposal to designate the Tenderloin District as a Rehabilitation Assistance Program (RAP) area had been held last Saturday; and he indicated that he will be formulating a recommendation on the proposal for transmittal to the Chief Administrative Officer.

The Director advised the Commission that the Public Utilities Commission had voted to reconfirm its approval of a project which will extend the Powell Street cable car line to Fisherman's Wharf. Commissioner Wentz confirmed that the project will proceed as soon as the Department of Public Works has formulated solutions to certain traffic problems in the area.

Robert Passmore, Planner V (Zoning), reported that the Board of Permit Appeals, meeting on the previous evening, had acted to sustain the Commission's disapproval of the proposal to convert a single-family residence at 2418 Pacific Avenue into three dwelling units.

Commissioner Elliott remarked that the United Nations Plaza portion of the Civic Center area is almost complete; and he suggested that the staff of the Department of City Planning should consider alternate uses for certain properties in the Civic Center area which are presently developed with buildings which do not enhance the area.

CONSIDERATION OF DRAFT RESOLUTION URGING CAREFUL EVALUATION AND ASSESSMENT OF THE NEXT PHASE OF THE SAN FRANCISCO INTERNATIONAL AIRPORT EXPANSION PROGRAM.

Rai Y. Okamoto, Director of Planning, indicated that Commissioner Starbuck had requested that this matter be calendered and had prepared a draft resolution for consideration by the Commission. The resolved clause of the draft resolution read as follows:

"THEREFORE BE IT RESOLVED, That the San Francisco Planning Commission respectfully urges the San Francisco Airport Commission to evaluate and to assess carefully the next phase of airport expansion in terms of energy consumption, traffic congestion, air quality impacts and noise in order to determine if continued expansion can be justified in view of Federal and State energy policy, long-range transportation planning, resource allocation, air quality maintenance, noise and community concern, with regard to plans for both increased passenger volume capacity and potential future expansion of cargo-handling facilities."

Commissioner Starbuck expressed his appreciation to Ralph Gigliello of the staff of the Department of City Planning for the assistance which he had provided in preparing the draft resolution.

President Lau asked if anyone were present in the audience who wished to comment on the draft resolution and received a negative response.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7711.

LM77.3 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE FRANCIS SCOTT KEY
MEMORIAL AS A LANDMARK.

Robert Passmore, Planner V (Zoning), summarized the factors which had encouraged the Landmarks Preservation Advisory Board to recommend that the subject monument, which is located at the northeast end of the Concourse in Golden Gate Park, be designated as a Landmark.

President Lau ascertained that no one was present in the audience who wished to comment on this matter.

After discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7712 be adopted and that the proposal to designate the Francis Scott Key Monument as a Landmark be approved.

EE75.414 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED
BANK OF AMERICA PARKING STRUCTURE OF FIVE-STORIES ON THE SOUTH-
EAST CORNER OF 12TH AND KISSLING STREETS.

Ralph Gigliello, Planner II, summarized the contents of the Draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including Sue Hestor, representing the Zoning and Housing Committee of San Francisco Tomorrow; Norman Rolph, representing the Transportation Committee of San Francisco Tomorrow; Stanley Smith, representing the San Francisco Building Trades Council; David B. Gideon, Attorney for the Bank of America; Howard Huckabay, Project Developer for the Bank of America; and Claude Gruen, Principal Author of the preliminary draft of the Draft Environmental Impact Report.

At the conclusion of the public hearing, various members of the Commission requested that additional information be gathered and included in the report.

It was then moved by Commissioner Wentz, seconded by Commissioner Bierman, and carried unanimously that this matter be continued until the Commission's meeting on May 26, 1977.

At 4:05 p.m., President Lau announced a ten-minute recess. The Commission reconvened at 4:15 p.m. and proceeded with hearing of the remainder of the agenda.

EE77.33 - PUBLIC HEARING ON AN APPEAL OF A NEGATIVE DECLARATION
(ENVIRONMENTAL REVIEW) ISSUED BY THE STAFF OF THE DEPARTMENT
OF CITY PLANNING FOR THE PROPOSED CONSTRUCTION OF FOUR
RESIDENTIAL BUILDINGS AT 363 TO 365 THIRD AVENUE.

Ralph Gigliello, Planner II, described the proposed project, indicating that the applicant intended to construct four separate buildings on properties which had formerly been occupied by a wholesale bakery. One of the buildings is already under construction. The three remaining buildings would all be constructed on properties which are zoned C-2. Two of the buildings would be entirely residential and would consist of four dwelling units each. A third building would contain eleven dwelling units and ground floor commercial space. He then summarized the reasons why the staff of the Department of City Planning had determined that the project could not have a significant effect on the environment, leading to the issuance of a Negative Declaration on April 1, 1977. In conclusion, he stated that the Negative Declaration had been appealed by William E. Eisen of 291 7th Avenue. Mr. Eisen had also requested that the Commission conduct a discretionary review of the proposed project.

The Commission then received testimony from Mr. Eisen and Samuel Schneider, representing the applicant.

At the conclusion of the public hearing, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7713 be adopted with the following resolved clause: "Therefore, be it resolved, that the City Planning Commission hereby finds that the proposed project could not have a significant effect on the environment, and does hereby affirm the Negative Declaration issued by the Department of City Planning".

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

DR77.26 - CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NOS. 7701308, 7700998, 7700997 AND 7700712
FOR FOUR RESIDENTIAL BUILDINGS AT 363 TO 365 3RD AVENUE.

Robert Passmore, Planner V (Zoning), noted that the proposed project had been described during the course of the public hearing on the appeal of the staff's Negative Declaration; and, based on its review of the project, he indicated that the staff was not prepared to recommend that the request for discretionary review of the subject building permit application be granted.

Commissioner Dearman remarked that she did not feel that the proposed buildings would be compatible with the character of the neighborhood. Mr. Passmore replied that the proposed buildings would have a height of three stories; and he indicated that many buildings in the neighborhood have comparable height and bulk.

Commissioner Bierman remarked that she had joined other members of the Commission in voting to sustain the staff's Negative Declaration for the project so that the developer would not have to spend a great deal of money on an Environmental Impact Report; however, she felt that the request for discretionary review should be granted, particularly, in view of the fact that the Commission had been able to achieve constructive compromises through the discretionary review process in the past. She therefore moved that the request for discretionary review of the subject building permit applications be granted. Commissioner Dearman seconded the motion.

Mr. Passmore observed that one of the buildings is already under construction; and he felt that the person who had requested the discretionary review was primarily concerned about the building which would contain eleven dwelling units and commercial ground floor space.

President Lau observed that the granting of a request for discretionary review would not necessarily mean that the Commission would favor either the developer or the individual who had requested the discretionary review. However, when substantial controversy has arisen concerning a proposed project, the Commission has generally conducted a discretionary review as a means of providing a thorough discussion of the issues involved.

Commissioner Starbuck asked if Commissioner Bierman intended her motion to cover only the buildings which are not presently under construction. Commissioner Bierman replied in the affirmative.

William E. Eisen, 191-7th Avenue, indicated that he was primarily concerned about the eleven-unit building which will also contain commercial space; however, he hoped that the Commission would conduct a discretionary review of the building permit applications for all three buildings which are not presently under construction.

Commissioner Bierman stated that she hoped that Mr. Eisen would work with the developer and the Department of City Planning in an effort to resolve the problems before the matter is brought before the Commission for discretionary review. Mr. Eisen replied that he had tried to work with the developer and the Department of City Planning to resolve the problems; however, they had achieved no mutual understanding.

Mr. Passmore stated that he had been advised by the applicant's representative that the applicant would be willing to meet with residents of the neighborhood to discuss the eleven-unit building with commercial space if the building applications for the two four-unit buildings were exempted from discretionary review. After further discussion, Commissioner Bierman amended her motion to provide that the discretionary review would cover only the eleven-unit building with the commercial space. Commissioner Dearman modified her second accordingly.

Mr. Passmore recommended that this matter be brought back before the Commission on May 5 for a status report. While no solution to the problem may be arrived at within the next week, it may be easier to determine how much time will be required for negotiation by that date.

When the question was called, the Commission voted unanimously to grant the request for discretionary review of Building Permit Application No. 7701308 only and to request that the discretionary review be calendared for discussion on May 5. Commissioners Bierman, Dearman, Lau, Rosenblatt, Starbuck, and Wentz voted "Aye", Commissioner Elliott voted "No".

ZM76.10 - CONSIDERATION OF A REQUEST THAT AN APPLICATION FOR RECLASSIFICATION OF AN AREA GENERALLY BOUNDED BY GEARY STREET, MASONIC AVENUE, ARGUELLO STREET AND THE PANHANDLE BE TREATED AS AN APPLICATION FOR RECLASSIFICATION OF A MAJOR SUB-AREA OF THE CITY AND THAT THE APPLICATION BE EXTENDED FOR ONE YEAR.

Robert Passmore, Planner V (Zoning), stated that the request for the one-year extension of the subject application had been filed by Douglas Engmann.

President Lau asked if anyone were present in the audience in opposition to the proposal to extend the application and received a negative response.

Mr. Passmore then recommended the adoption of a draft resolution which read as follows:

"WHEREAS, Application No. ZM76.10 has been filed by the Haight Ashbury Neighborhood Council and others on April 21, 1976 for reclassification of use districts in the area of Geary Boulevard and Stanyan Street generally described as follows:

All properties in the area bounded on the north by Geary Boulevard, on the east by Masonic Avenue, on the south by Fell Street, and on the west by Arguello Boulevard and Stanyan Street; and

"WHEREAS, The area subject to this application, all or portions of 61 blocks, is more than 30 acres in size, excluding the area of public streets and alleys; and

"WHEREAS, The staff of the Department of City Planning is continuing its city-wide studies of residential zoning districts and standards and shall present final recommendations to the Commission on this matter in approximately six months; and

"WHEREAS, A determination by the Planning Commission that the area under consideration for reclassification under this application is a major sub-area of the city would continue the controls of the proposed districts in effect as temporary controls for a second year under Section 303(e) of the City Planning Code, until April 21, 1978, unless the application is adopted or disapproved by the Board of Supervisors before that time:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby determine that the area proposed for reclassification in Application No. ZM76.10 is a Major Sub-Area of the City as specified in Section 306.3 of the City Planning Code."

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7714.

EE75.423 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED ADDITIONS TO THE RALPH K. DAVIES MEDICAL CENTER (FRANKLIN HOSPITAL) IN THE BLOCK BOUNDED BY CASTRO, NOE AND FOURTEENTH STREETS AND DUBOCE AVENUE.

(Under Advisement from Meeting of February 24, 1977).

Robert Passmore, Planner V (Zoning), stated that representatives of the Ralph K. Davies Medical Center had requested that this matter be continued until the meeting of May 26. That date would not be acceptable to the staff of the Department of City Planning; and, as a result, he recommended that the matter be continued until the Commission's meeting on June 2, 1977.

It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt and carried unanimously that this matter be continued until the Commission's meeting on June 2, 1977.

At this point in the proceedings Commissioner Rosenblatt absented himself from the meeting room for the remainder of the meeting.

RS77.7 - PUBLIC HEARING ON TENTATIVE MAP FOR A FORTY-UNIT CONDOMINIUM SUBDIVISION AT 850 POWELL STREET.

Alec Bash, City Planning Coordinator, stated that the applicant proposed to convert a forty-unit rental apartment building into 40 condominium units. The building was constructed in 1922 as a 30-unit building and was converted in 1946 to 40 units. The building is an eleven-story concrete structure, having a height of approximately 100 feet, with units ranging from 660 to 2800 square feet and with eleven parking spaces. Present monthly rentals range from \$328.00 to \$1,298.00; and proposed sale prices would range from \$40,000.00 to \$225,000.00. He stated that the Subdivision Code requires that the City Planning Commission review the subdivision for consistency with the Master Plan and that it determine whether any units to be converted are part of the City's low or moderate income housing stock. The Code calls for a sales program which promotes affirmative action in housing, a non-transferable tenant right or first refusal to purchase the unit occupied by the tenant and various relocation requirements. With monthly rental rates of \$328.00 to \$1,298.00, the units to be converted in the subject building are not considered as part of the City's low or moderate income housing stock. Since more than 25 dwelling units were involved in the proposed condominium conversion, the Director of Public Works would also have to hold a public hearing on the proposal. The Subdivision Code requires that a condominium conversion be approved by 30% or more of existing tenants in the building when 50 units or more are involved; however, since the subject building contains only 40 dwelling units, that provision of the Code would not apply.

Edward Wynne, Attorney for the applicant, stated that his client was aware of and would comply with the requirements of the Subdivision Code. He noted that the Subdivision Code provides that tenants may remain in a converted building until their leases expire or for a period of 30 days after the condominium conversion has been approved. He indicated that many residents of the building have lived in the building for a considerable period of time; and some have leases which extend to 1980 or 1981. However, in cases where the 30-day period for relocation would apply, his client would be willing to grant whatever extension might seem appropriate to members of the Commission.

President Lau asked if the applicant had already communicated that information to tenants of the building. Mr. Wynne replied that the tenants had been advised of the provisions of the Subdivision Code since such information must be provided to them by law; however, he indicated that this was the first time that an offer had been made to extend the relocation period.

John Levison, a tenant of the subject building for 13 years, advised the Commission that his current lease will run until August, 1981. He advised the Commission that only 38 units in the building have been rented with the other two having been used as an office and as an apartment for the manager of the building. When the building was sold six months ago, it had only one vacancy. The building now has four vacant units; and four additional tenants are planning to leave. He stated that he had canvassed the building and had found that most of the occupants of the building do not wish to purchase their units. He indicated that he is 91 years of age; and he stated that he would not buy a unit in the building under any circumstances. However, if people are given the choice of moving or buying their units, he felt that they should be provided with an engineering report, analyzing the safety of the building and its compliance with code standards.

Commissioner Starbuck, noting that the matter had been brought before the Commission for a determination as to whether the proposed condominium conversion would be in conformity with the Master Plan, asked what would happen if the Commission were to determine that the proposal is not in conformity with the Master Plan. Mr. Bash replied that the Director of Public Works would be obligated to disapprove the application if the Commission were to determine that it would not be in conformity with the Master Plan. However, that disapproval could be appealed to the Board of Supervisors. If the Commission were to approve the proposal as being in conformity with the Master Plan subject to certain specific conditions, the Director of Public Works would have to establish those conditions if he were to approve the application. However, he would also have the option of disapproving the application, in which case his decision could be appealed to the Board of Supervisors.

H. C. Townsend, the applicant, advised the Commission that residents of the building had refused to listen to his explanations of his proposal. He stated that he already made arrangements with a contractor to install a new electrical board and to rewire every apartment in the building; and he had also checked the plumbing situation in the building and had checked the safety of the elevators. He advised the Commission that he had converted a building at 1830 Jackson Street into condominium apartments; and he indicated that he was prepared to stand on his record. He stated that he has a good relationship with most of the tenants of the subject building with the exception of those who were present in the audience.

Commissioner Bierman asked if any of the present tenants of the building had indicated a desire to purchase their units. Mr. Townsend replied that State law provides that he cannot offer the apartments for sale or discuss terms of sale until certain requirements have been met; however, he stated that he had received many phone inquiries from as far away as Los Angeles.

Commissioner Bierman then inquired about the number of units in the building which are rented at the lower end of the rental range cited by Mr. Bash. Mr. Bash replied that four units in the building have rental prices of \$328.00, \$374.00, \$379.00, and \$412.00 respectively; all of the remaining units command higher rental rates.

Mr. Townsend stated that units in the building are being rented at levels of 20 to 25% beneath their market value.

Lloyd Gibbs Howard, a resident of the building since January 15, 1949, stated that he occupies the least desirable unit in the building; and he indicated that he had received no special consideration with regard to the rents charged for his apartment in spite of the fact that he had rendered legal services for the previous owners of the building. He also advised the Commission that he represented several residents of the building who are absolutely opposed to the proposed condominium conversion.

Marshall A. Benedetti, a resident of the building, stated that he was in favor of the proposed condominium conversion.

Earl Cook, a resident of the building for six years, stated that he had had an unhappy experience with a condominium unit in the Comstock Apartment Building; and, as a result, he and his wife had moved to a rental unit in the subject building. He was very concerned about the fact that the new owners of the building were proposing to convert it into a condominium; however, since he had no way of knowing how much his unit would cost or what impact the conversion would have on him personally, he was not prepared to speak in favor of or in opposition to the proposed conversion.

Mrs. Cebrian, a resident of the building, stated that her lease had been extended to October. She indicated that it would be very difficult for her to move since she has large pieces of furniture which were recovered from her country home when it burned; and, as a result, she was opposed to the proposal for condominium conversion of the building.

Mr. St. Clair stated that he was representing his mother who lives in the building; however, he did not wish to make a statement for or against the applicant's proposal.

Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the units to be converted are hereby determined to be not part of the low or moderate income housing stocks of the City: and

"BE IT FURTHER RESOLVED, That the City Planning Commission does hereby find that the condominium conversion subdivision of 850 Powell Street, Lot 21 in Assessor's Block 243, as set forth in the tentative map submitted with Referral No. RS77.7, is consistent with the Master Plan; provided, however, that the following conditions are complied with:

- "1. The sales program for the project shall promote affirmative action in housing, as required by Section 1342 of the Subdivision Code.
- "2. The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied, as required by Section 1385(d) of the Subdivision Code.
- "3. The subdivider shall comply with any applicable temporary, permanent, and low and moderate income relocation requirements of Section 1385(e), 1385(f), and 1385(g) of the Subdivision Code.
- "4. The subdivider shall install street trees on the Powell and Sacramento Street frontages."

Mr. Wynne estimated that final authorization for the condominium conversion would not be granted until November. While the Subdivision Code provides that tenants of the building must be allowed at least 30 days beyond that point to relocate, he indicated that an earlier draft of the Subdivision Code would have provided 100 days for the relocation process. He stated that his clients would be willing to extend the relocation period to 120 days.

Commissioner Wentz moved that the draft resolution be modified to provide that tenants be given 120 days to relocate after final approval has been given to the condominium conversion and that the draft resolution, as modified, be adopted. The motion was seconded by Commissioner Bierman.

Commissioner Bierman stated that she would have been prepared to vote against the proposed condominium conversion of the building if the matter had been before the Commission merely for approval or disapproval. However, the issue before the Commission was whether or not the proposed conversion would be in conformity with the Master Plan; and the staff of the Department of City Planning was of the opinion that the proposal would not conflict with any of the objectives or policies of the Master Plan. Therefore, she had seconded Commissioner Wentz's motion. If there are not a sufficient number of people interested in purchasing units in the building, the condominium conversion will not proceed; however, if a market does exist for the units, the owners of the building would be able to proceed with their project.

Mr. Wynne confirmed that the State Department of Real Estate will not authorize the condominium conversion unless offers are made for purchase of a specific number of units in the building.

President Lau remarked that the Commission had previously considered the proposed condominium conversion of a building which was occupied by a number of senior citizens; and, in acting on that proposal, it had established a condition that current residents of the building would be given a six-month period for relocation. He felt the same length of time should apply in the present instance. Commissioners Wentz and Bierman agreed to amend their motion and second to provide that occupants of the subject building should be given at least 180 days to relocate after the condominium conversion has been approved.

When the question was called, the Commission voted unanimously to adopt the draft resolution, as revised, as City Planning Commission Resolution No. 7715.

At this point of the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting. Commissioner Wentz was also absent for the remainder of the meeting but was replaced by his alternate, Commissioner Carey.

EE76.20 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
PERFORMING ARTS CENTER GARAGE, GROVE STREET BETWEEN GOUGH
AND FRANKLIN STREETS.

(Under Advisement from meeting of April 7, 1977).

Alec Bash, City Planning Coordinator, reviewed a summary of comments and responses which constituted Chapter XIII of the Draft Environmental Impact Report. Subsequently, he responded to questions raised by members of the Commission.

Commissioner Bierman observed that the public hearing on this matter had been closed on April 7; however, she indicated that she had received a request that the hearing be reopened. Therefore, she moved that the hearing be reopened. The motion was seconded by Commissioner Starbuck. When the question was called, the Commission voted unanimously to reopen the hearing.

The Commission then received testimony from members of the audience including the following individuals: Mrs. G. Blant Platt, President of the Landmarks Preservation Advisory Board; Paul Hardman, representing the Pride Foundation; James Meyer, a consultant for the applicant; Jeanette Pealey, representing the League of Women Voters of San Francisco; Sue Hestor, representing San Francisco Tomorrow; Anna Darden, representing the Haight Ashbury Neighborhood Council; Samuel B. Stewart, President of the Sponsors of the Performing Arts Center, Inc; Margaret Brady, Director of the San Francisco Parking Authority; and Gene Suttle, representing the San Francisco Redevelopment Agency.

At the conclusion of the hearing it was moved by Commissioner Starbuck, seconded by Commissioner Elliott and carried unanimously that this matter be continued under advisement until the Commission's meeting on June 19, 1977. The Commission also requested individuals who had spoken to submit their comments in writing.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, David Worts, a shorthand reporter, was present and will prepare a transcript which will be available in the files of the Department of City Planning.

CONSIDERATION OF DRAFT RESOLUTION URGING THE SAN FRANCISCO REDEVELOPMENT AGENCY TO DELAY PLANS FOR DEMOLITION OF THREE VACANT APARTMENT BUILDINGS ON THE SITE OF THE PROPOSED PERFORMING ARTS CENTER GARAGE.

Rai Y. Okamoto, Director of Planning, stated that Commissioner Starbuck had requested that this matter be calendared for consideration. He then read the draft resolution which was worded as follows:

"WHEREAS, The City of San Francisco continues to experience a severe shortage of low and moderate income rental housing; and

"WHEREAS, Available and appropriate land sites for new housing development are in short supply and Federal programs for subsidizing construction and/or rental payments are either dormant or underfunded and in some cases such programs have become the responsibility of local government; and

"WHEREAS, As a consequence, it has become increasingly important to focus on residential building rehabilitation rather than new construction; and

"WHEREAS, The site of the proposed parking garage for the Performing Arts Center contains three vacant apartment buildings containing approximately 70 units; and

"WHEREAS, The Redevelopment Agency proposes to demolish these buildings to permit construction of the proposed parking garage;

"THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission respectfully urges the Redevelopment Agency to delay plans for demolition and clearance of said apartment buildings until it has been determined that it is not feasible to rehabilitate said buildings for residential occupancy."

Gene Suttle, representing the San Francisco Redevelopment Agency, read and submitted a copy of a letter which had been addressed by Wilbur W. Hamilton, Executive Director of the Agency, to the Chairman of the Urban and Consumer Affairs Committee of the Board of Supervisors. The letter read, in part as follows:



"We are advised that you will shortly consider a resolution introduced by Supervisor John L. Molinari regarding the demolition of four structures on the site of the proposed Performing Arts Parking Facility to be constructed by the San Francisco Parking Authority within the boundaries of the A-2 Project. There are four structures on the parcel, 330 Grove Street, 340 Grove Street, 360 Grove Street, and 350-56 Grove Street. Of these structures, only 330 Grove Street is occupied and it is a commercial structure. A non-profit service organization has been utilizing the space with the full understanding that their use is temporary. The other three residential buildings are not habitable due to code violations and fire damage. The buildings are secured and are under surveillance of our Security Guard Contractor both during the day and the evening.

"It is our understanding that the intent of the proposed resolution is to state as the policy of the Board of Supervisors that the above structures should not be demolished prior to a construction agreement between the City and County of San Francisco and the Sponsors of the Performing Arts Center. That policy is in accord with the policy of the Agency Commissioners on this matter. We have met with the Parking Authority and the Performing Arts staff and they are advised that demolition of the structures for the garage would be considered concurrent with the signing of a construction agreement for the Performing Arts Center."

Commissioner Carey inquired about the status of the resolution which had been pending before the Board of Supervisors. Mr. Suttle replied that the resolution is still under consideration.

Commissioner Bierman moved that the draft resolution be adopted. By adopting the draft resolution, she felt that the Commission would be calling attention to the fact that it might be desirable to retain the apartment buildings for housing. They are in a condition which will allow them to be rehabilitated.

The motion was seconded by Commissioner Starbuck.

Mr. Suttle stated that the apartment buildings contain 62 dwelling units. The draft resolution specified "approximately 70 units" and he felt that the correct number of units should be inserted in the draft resolution. Commissioners Bierman and Starbuck agreed to that change.

Commissioner Carey noted that the Commission had not yet certified the completeness of the Environmental Impact Report for the Performing Arts Center Garage; and he was concerned about the possibility that adoption of the draft resolution would imply that the Commission was opposed to construction of the garage.

President Lau stated that he did not feel that adoption of the draft resolution could commit him to voting any particular way on the Performing Arts Center Garage issue.

The first part of the report deals with the general situation of the country. It is found that the country is in a state of general prosperity, and that the people are well satisfied with the government. The second part of the report deals with the financial situation of the country. It is found that the country is in a state of general financial stability, and that the people are well satisfied with the government. The third part of the report deals with the social situation of the country. It is found that the country is in a state of general social stability, and that the people are well satisfied with the government. The fourth part of the report deals with the political situation of the country. It is found that the country is in a state of general political stability, and that the people are well satisfied with the government.

The fifth part of the report deals with the economic situation of the country. It is found that the country is in a state of general economic stability, and that the people are well satisfied with the government. The sixth part of the report deals with the cultural situation of the country. It is found that the country is in a state of general cultural stability, and that the people are well satisfied with the government. The seventh part of the report deals with the educational situation of the country. It is found that the country is in a state of general educational stability, and that the people are well satisfied with the government. The eighth part of the report deals with the health situation of the country. It is found that the country is in a state of general health stability, and that the people are well satisfied with the government. The ninth part of the report deals with the military situation of the country. It is found that the country is in a state of general military stability, and that the people are well satisfied with the government. The tenth part of the report deals with the foreign relations of the country. It is found that the country is in a state of general foreign relations stability, and that the people are well satisfied with the government.

John Molinari, a member of the Board of Supervisors, stated that the resolution which he had introduced into the Board would ask only that demolition of the buildings be halted until such time as it is certain that the Performing Arts Center will be constructed and that the opposed garage will be needed. The Redevelopment Agency had indicated that it had no objection to that resolution. The resolution which was presently before the Commission for consideration would seem to preclude the buildings from ever being demolished; and, while he did not wish to dissuade the Commission from adopting the draft resolution, he observed that it was extremely unlikely that he would ever be able to secure adoption of such a resolution by the Board of Supervisors.

When the question was called, the Commission voted four to one to adopt the draft resolution, as modified, as City Planning Resolution No. 7716.

Commissioners Bierman, Elliott, Lau and Starbuck voted "Aye"; Commissioner Carey noted "No". Commissioner Carey explained that he had voted against the motion because of his concern that adoption of the resolution might prejudice the Commission's action on the Performing Arts Center Garage proposal.

DR77.25 - CONSIDERATION OF A STAFF RECOMMENDATION FOR DISCRETIONARY
REVIEW OF BUILDING PERMIT APPLICATION NO. 463963 FOR AN
APARTMENT BUILDING AT 120 JOICE STREET, EAST LINE, 75 FEET
NORTH OF CALIFORNIA STREET.

Charles Gill, City Planning Coordinator, referred to land use and zoning maps to describe the subject property which has dimensions of 40 feet by 60 feet for a total area of 2400 square feet. The property is presently vacant. To the south of the site is a 30 unit, four-story apartment building at 840 California Street. To the north of the site is the location of the proposed Mei Lun Yuen Chinatown Housing Project which is being undertaken by the San Francisco Redevelopment Agency. The applicant proposed to construct a 7-unit, 4-story apartment building on the site. The building would have access to eight parking spaces from both Joice Street and Pratt Place. Because the subject lot was created prior to establishment of the first lot size standards in 1946, it is a buildable lot despite its non-compliance with the present City Planning Code's minimum area standard of 2500 square feet. The initiated RM-4 zoning district allows a density of one dwelling unit per 200 square feet of lot area for a maximum of 12 units on the subject property. Forty-five per cent of the site must be developed as usable open space; however, the proposed development would provide only 30% usable open space. The Department of Public Works had determined that only six of the proposed parking spaces would meet the standards of that Department. Construction of the proposed building would cause six existing units at the back of the 840 California Street apartment building to have their sole outside exposure through light wells. The interim controls for residential zoning do not allow light well units to be constructed in new projects. The staff of the San Francisco Redevelopment Agency had considered the inclusion of the subject property in the adjacent Redevelopment Project Area; however, on March 21, 1977, the Zoning Administrator was notified that the agency was not considering acquisition in the immediate future. Both

Joice Street and Pratt Place are 17.5 feet wide alleys. The pavement is 11 feet wide on Joice Street; and the corresponding 11 feet of Pratt Place is unpaved. It appeared that vehicles would have to enter the proposed project by way of Pratt Place and exit by backing up the 75 foot length of the alley onto California Street. In view of the problems which had been cited, the staff was recommending that the subject building permit application be taken under discretionary review by the Commission.

John Belz, architect for the applicant, felt that the problems which had been cited could be resolved at the staff level and that there would be no need for discretionary review by the Commission. He stated that he had not been aware of the problems until he had received a copy of the case report which had been prepared by the staff on the previous day. He indicated that he had filed the building permit application for the project in August, 1976. In November, the owner of the adjacent parcel of property had indicated an interest in purchasing the site; however, that interest lapsed in March of this year. He distributed a copy of plans for the proposed project and indicated that the proposed building would contain five one-bedroom units, one studio apartment, and one two-bedroom unit. With regard to the issue of usable open space, he proposed that the roof of the building could be developed as open space. He had met with the Department of Public Works to discuss the issue of the parking spaces; and, while one of the parking spaces would still fail to meet the criteria of that department which are designed to accommodate large American cars, that parking space would comfortably accommodate a compact car. While automobiles would have to back out of the building onto California Street, a similar condition exists on Joice Street south of California Street; and that situation has caused no problems. He acknowledged that the proposed building would block light and air from a few units in the adjacent apartment building; however, the impact of the project on that building would not be nearly so severe as the impact of the proposed housing project being undertaken by the Redevelopment Agency. In any case, he intended to work with the owner of the adjacent building to minimize the impact to the greatest extent possible. He stated that the staff of the Department of City Planning had attempted to redesign his building; however, the plans which had been recommended by the staff would not meet the required parking standards and would not have an elevator.

Commissioner Starbuck inquired about the distance between the proposed building and the apartment building at 840 California Street. Mr. Belz replied that the proposed building would be located three feet from the adjacent building. Mr. Gill stated that the proposed project had initially been handled by another member of the staff; and he had not been aware that the problems which had been cited had not been discussed with Mr. Belz.

Robert Passmore, Planner V (Zoning) acknowledged that the subject building permit application had been in process for an exceptionally long period of time; but one of the reasons for the delay was that the staff had thought that the Redevelopment Agency might purchase the property. He recommended that the Commission continue this matter until the meeting of May 12 in order to allow the



developer to continue working with the staff of the Department of City Planning to see if the problems could be resolved without the necessity of bringing the matter before the Commission for a formal discretionary review.

Commissioner Starbuck stated that he regarded the concerns which had been expressed by the staff to be legitimate concerns.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Carey and carried unanimously that this matter be continued until the meeting of May 12, 1977.

DR77.27 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NOS. 7701767- 7701772 FOR CONSTRUCTION OF SIX THREE-UNIT BUILDINGS AND BUILDING PERMIT APPLICATION NO. 7702071 FOR THE CONSTRUCTION OF A BUILDING WITH SIX DWELLING UNITS AND COMMERCIAL SPACE AT 2928 TO 2954 DIAMOND STREET (EE77.54 AND EE77.70)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to discuss the subject property which slopes upward from Diamond Street. He indicated that six of the subject lots are now vacant and two are occupied by dwellings containing a total of three dwelling units. Two different projects were involved. The first project would involve the construction of six buildings which would have two residential floors over parking. Each of the buildings would have one three-bedroom owner-occupied apartment and two two-bedroom rental apartments. The other project would involve the construction of a single building with six two-bedroom units in two floors of residential occupancy over ground floor garage and commercial space. The discretionary review had been requested by Caroline Schneider, 19 Mizpah Street, in a letter dated April 4 which read, in part, as follows:

"I am requesting a discretionary review of building applications 7701767-7701772, at 2928-2954 Diamond Street, and application 7702071 at Diamond and Joost Streets, both in the Glen Park area across from the BART station.

"Although both of these projects were granted preliminary negative declarations as to their environmental effects, the residents of Brompton Avenue on the same block 6756 are very concerned about the adverse effect of such dense development.

"An Environmental Impact Report has been determined necessary for the proposed 'Glen Park Center' on Diamond Street, one block from the above developments, because of parking and traffic problems, and considerable change in the neighborhood character. It would defeat the purpose of this EIR to build six 3-unit buildings and one 6-unit building with commercial space one block from the proposed Center, since these developments would add to traffic congestion and also alter the neighborhood character.

"Traffic and parking are already a great problem, particularly on Diamond Street across from BART. Each additional car adds up to create heavy congestion during commuter hours. The Glen Park area is being considered for the preferential parking plan, because of great neighborhood concern with loss of parking space and heavy traffic flow. Until the impact of the Glen Park Center traffic and parking and freight outlet problems is thoroughly studied through the EIR, no new developments and consequent traffic problems should be approved.

"A second problem is the density of the proposed developments. The area around Diamond Street is mostly one-family residential houses. Until a thorough study is made of the impact of the Glen Park Center with its 40 or so units and 15 commercial spaces on the neighborhood character, no new projects should be approved."

Mr. Passmore reported that one of the applicants had subsequently met with members of the Glen Park Association and residents of the immediate neighborhood; and, as a result, the Glen Park Association had written a letter to the Department of City Planning withdrawing its support of the request for discretionary review.

Caroline Schneider, who was present in the audience, stated that she would be willing to withdraw her request for discretionary review providing that the applicants would continue to work with the staff of the Department of City Planning to modify the design of the facade of the proposed building.

Mr. Passmore stated that he felt that the applicants would be willing to continue to work with the staff of the Department of City Planning with regard to the issue of the facade design. However, he recommended that this matter be brought back before the Commission on May 5 in the form of a status report from the staff.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Carey and carried unanimously that the staff be instructed to present a status report on this matter during the meeting of May 5, 1977.

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted

Lynn E. Pio
Secretary



— SAN FRANCISCO
— CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 5, 1977.

The City Planning Commission met pursuant to notice on Thursday, May 5, 1977, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director - Plans and Programs; Robert Passmore, Planner V (Zoning); Charles Gill, City Planning Coordinator; Robert Meyers, City Planning Coordinator; Moira So, City Planning Coordinator; Nathaniel Taylor, Planner III; Jon Pon, Staff Assistant III; Robert Feldman, Planner II; Douglas Holmen, Planner II; Dave Stein, Volunteer; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission that the Public Utilities Commission, meeting next Tuesday, will review and comment upon the proposed Charter amendment which would establish a Transportation Commission. He also indicated that the Transportation Policy Group is drafting legislation which would give special status to that group as a coordinating agency as an alternative to establishing a new transportation commission.

Jon Pon, Staff Assistant III, reported on a meeting held last Saturday for discussion of a proposed Potrero Hill Neighborhood Plan. He anticipates that a draft of the plan for Commission and citizen review and comment will be available in two or three weeks.

Moira So, City Planning Coordinator, reported on a meeting held last Saturday afternoon to discuss the Chinatown Neighborhood Improvement Plan. She indicated that a follow-up meeting will be held on Tuesday, May 17, at 5:00 p.m.

Robert Passmore, Planner V (Zoning), reported that the building permit applications for properties at 2928 - 2954 Diamond Street, which had been discussed by the Commission on April 28, had been modified to the satisfaction of residents of the neighborhood. Therefore, they will be approved by the Department of City Planning.

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Mr. Passmore advised the Commission that the Board of Permit Appeals had overruled the staff of the Department of City Planning and had issued a permit for a 3-unit building at 240 Ripley Street. The City Attorney's Office had advised the staff not to request a rehearing of this matter since the only result of such action would be to delay the development; however, the staff does intend to write to the Board of Permit Appeals taking issue with their findings in the case. One finding was that the interim residential zoning controls, initiated by the Commission on May 20, 1976, are not currently in effect.

The Director reported that Community representatives are firm in their desire to have the West Bay Health Systems Agency comment on the issue of need for the new facilities proposed by the Ralph K. Davies Medical Center before the Draft Environmental Impact Report for the new facilities is certified as complete by the Commission. However, that agency had informed the Department that it will not be able to begin its review until July. The Commission will have to decide whether to delay certification of the Draft Environmental Impact Report when the matter is next calendared for consideration on June 2.

The Director distributed and summarized copies of a memorandum which outlined recent administrative and personnel changes which have occurred in the Department of City Planning.

The Director distributed copies of the complete "Comprehensive Housing Rehabilitation Strategy" report which had been prepared by Booz, Allen and Hamilton, Inc., consultants to the Department of City Planning. He also distributed copies of a summary of the report which contained staff comments and recommendations. A public hearing will be held on these materials on May 19. Subsequently, the Commission will establish an ad hoc committee to work with the staff and members of the community to prepare final recommendations for transmittal to the Mayor's Office of Community Development.

The Director stated that he had scheduled staff meetings to review the data which has been collected relative to the proposal to designate Hayes Valley as a Rehabilitation Assistance Program (RAP) area and to prepare a recommendation on RAP designation for the Tenderloin District.

The Director distributed and summarized a memorandum concerning the proposed Four Embarcadero Center development and indicated that he will prepare a draft resolution on this matter for consideration by the Commission at its Regular Meeting next week.

The Director announced that a meeting will be held on Saturday, May 21, to discuss the possibility of initiating a RAP Program for Bayview North.

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President Lau, noting that a newspaper article had appeared earlier in the week which was somewhat critical of the Department of City Planning, assured the Director and his staff that members of the Commission were pleased with their performance and that they appreciate the hard work which is being done under difficult staffing circumstances.

CU76.30 - 2301 - 19TH AVENUE, SOUTHWEST CORNER OF SANTIAGO STREET.

REQUEST FOR MODIFICATION OF CITY PLANNING RESOLUTION NO. 6780 TO ALLOW INDEFINITE CONTINUATION OF A NON-CONFORMING AUTOMOBILE SERVICE STATION AFTER MAY 2, 1980; IN AN R-3 AND PROPOSED RH-2 DISTRICT.
(EE76.291)

Robert Passmore, Planner V (Zoning), stated that this matter had been continued to this date from the meeting of March 3, 1977, with the expectation that the staff of the Department of City Planning would have completed its analysis of non-conforming use issues by this point in time. However, that goal had not been met. He indicated that the staff will be analyzing the service station industry in general later in the year; and, as a result, he recommended that this matter be taken under advisement indefinitely and that the subject service station be considered when the analysis is made of the industry as a whole. He believed that that procedure would be acceptable to the applicant.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman, and carried unanimously that the subject application be taken under advisement indefinitely.

CU77.16 - 1065 SUTTER STREET, SOUTH LINE, 137 FEET EAST OF LARKIN STREET.

REQUEST FOR AUTHORIZATION TO OPERATE AN EMERGENCY SHELTER FOR FAMILIES AND SINGLE WOMEN IN A BUILDING FORMERLY USED AS A HOSPITAL; IN AN R-5-C AND PROPOSED R-C-4 DISTRICT. (EE77.162)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 57.5 feet on Sutter Street and a depth of 137.5 feet for a total area of 8978.25 square feet. The property is occupied by a building which was formerly the Golden Gate Hospital. The building has three floors over a basement level and a roof solarium. The Holy Order of Mans proposed to use the building as an emergency temporary shelter for families and single women, providing hotel services for transients for a minimal fee and free services for those unable to pay. A social services staff would offer counseling and referral to other agencies. The building would accommodate 70 people in 47 units, including staff and transients. Raphael House, the name of the operation,

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has occupied a building at 712 Gough Street for six years. Mr. Passmore stated that a philanthropic hotel providing supervised family care is a conditional use above the ground floor of buildings in an R-5-C and proposed RC-4 District. Such uses are allowed on the commercially zoned ground floor without special approval by the City Planning Commission.

Reverend John Robinson, representing the applicants, stated that the Gough Street operation had closed at the end of March; however, a few beds have continued to be available, thanks to the cooperation of Aquarius House. He indicated that he was present to answer any questions which might be raised by members of the Commission; and he urged that the application be approved.

Ira Okun, Executive Director of Coleman Youth Services, advised the Commission that the Holy Order of Mans helps to keep women and children together during times of crisis. He stated that such services generally do not survive unless they are subsidized by a religious order; and he regarded the Holy Order of Mans to be one of the most competent groups he had met. He felt that the compassion and commitment of that group is so great that the Commission should have no other alternative but to approve their application. He remarked that the original Raphael House had been operated in such a way that most people would not have known that it was there. He stated that Raphael House had the support of many private and public agencies; and he believed that the city would benefit from the services which the order wished to continue to provide.

Commissioner Starbuck asked Reverend Johnson if he had discussed the proposed project with residents and property owners in the subject neighborhood. Reverend Robinson replied in the affirmative. Although his organization has non-profit status, it does charge a modest fee for its services to help sustain the operation; and, for that reason, the use would be classified as a hotel under the terms of the City Planning Code. However, the basic purpose of the operation is to provide family services.

Commissioner Dearman stated that she was very grateful to the Holy Order of Mans for the services which it provides for the community, particularly in view of the fact that the services are not being rendered for profit.

Reverend Johnson noted that the application had been supported by the Commission on the Status of Women.

Peter Wall, a real estate broker, stated that the Holy Order of Mans occupies a building under his jurisdiction on Parnassus Avenue; and he advised the Commission that their occupancy of the building has upgraded the neighborhood for everyone.

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Gordon Tucker, 1034 Sutter Street, stated that he was not opposed to the proposed operation; however, he indicated that he had submitted a letter to the Commission requesting that certain conditions be established if the application were to be approved.

Mr. Passmore recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. He believed that the proposed conditions would satisfy the concerns which had been expressed by Mr. Tucker in his letter. After summarizing the proposed conditions, he recommended that the draft resolution be adopted.

Commissioner Bierman asked if the conditions which had been recommended by the staff were acceptable to the applicants. Reverend Robinson replied in the affirmative.

It was then moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7717 and that the application be approved subject to the condition which had been recommended by the staff.

CONSIDERATION OF RESOLUTION CALLING FOR BUILDING MORATORIUM ON
FUTURE DEVELOPMENT FRONTING ON 100 AND 200 BLOCKS OF ELSIE
STREET.

Robert Passmore, Planner V (Zoning), stated that the staff of the Department of City Planning had not given sufficient notice to residents of the neighborhood, owners of the property and potential developers that this matter was to be calendared; and, as a result, he recommended that consideration of the matter be postponed indefinitely pending adequate notice.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman and carried unanimously that this matter be postponed indefinitely. Commissioner Starbuck was absent from the meeting room when the vote was taken.

At this point in the proceedings, Commissioner Starbuck returned to the meeting room and reassumed his seat at the Commission table. Commissioner Elliott was temporarily absent from the meeting room.

CU77.18

RS77.16 - 350 GUTTENBERG STREET, WEST LINE, 158 FEET NORTH OF BELLEVUE STREET.

REQUEST FOR AUTHORIZATION TO SUBDIVIDE 4 EXISTING LOTS TO 8 LOTS HAVING LESSER WIDTH AND AREA THAN THAT REQUIRED FOR NEW SUBDIVISION; IN AN R-1 AND PROPOSED RH-1 DISTRICT. (EE77.6)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of approximately 38 feet on Guttenberg Street and a depth of 360 feet. Forty-one percent of the property is in Daly City. The property is presently occupied with two cottages and two shed structures with four eucalyptus trees and wild grass and bushes. The applicant proposed to create eight lots each fronting on a new private street to be known as Lincoln Court, a cul de sac with a 60 foot turn-around diameter. The lots would be 25, 25.5, 26, 28 and 34 feet wide and 2500 to 3041 square feet in area. The applicant intends to buy five existing single-family houses located four blocks away in Daly City and to move them onto the property. Of the eight proposed new lots, one would be entirely within San Francisco and seven would be partly in San Francisco and partly in Daly City. The City Planning Code would allow a subdivision into lots of less than 33 foot widths and with less than 2,640 square feet of lot area in R-1 Districts if certain circumstances are met. The staff of the Department of City Planning had advised a negative declaration for the project on April 29, 1977; however, since that negative declaration will not become finalized until May 9, final action by the Commission on the proposal would have to be deferred until the meeting of May 12.

President Lau asked if anyone was present to speak in opposition to the proposed project and received a negative response.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the public hearing on these matters be closed and that the matters be taken under advisement until the meeting of May 12, 1977.

At this point in the proceedings, Commissioner Elliott returned to the meeting room and reassumed his seat at the Commission table.

CU77.19 - 400 JEFFERSON STREET, NORTHWEST CORNER OF LEAVENWORTH STREET.

REQUEST FOR AUTHORIZATION TO REMODEL AND RENOVATE AN EXISTING BUILDING FOR NON-MARITIME USE; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1. (EE77.75)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to discuss the subject property which has frontages of 72 feet along Jefferson Street and 94 feet along Leavenworth Street

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for a total area of 6,624 square feet. The property is presently used for a restaurant, a bar, a gift shop, a crab stand, and fish processing operations which are housed in a wood one-story building and in a quonset hut. The applicant proposed to remodel and renovate the present commercial facilities in the following ways:

- "1. Redesigning the restaurant and bar by adding about 400 square feet of area and increasing capacity from 60 seats to 112 seats with 17 bar stools.
- "2. Moving the crab stand to the area in front of the dining room and reducing its area from about 300 square feet to 150 square feet.
- "3. The former gift shop would be used as an entryway to a new wood-sided building to be added to 1,200 square feet to be known as the Nautical Art Gallery for sale of high quality marine graphics. This area is presently used as unauthorized parking space.
- "4. Adding a banquet room of 20 seats to the rear of the dining room in space presently used for miscellaneous storage.
- "5. Repairing and renovating the main quonset building on the site which houses the kitchen and fish processing and freezer storage operations. The fish freezer of 320 square feet can hold 3 catches at one time."

Joel M. Pressman, the applicant, advised the Commission that the remodeling would be accomplished in a way which would result in an attractive structure which would be compatible with the maritime uses in the area. In response to a question raised by Commissioner Starbuck, he indicated that the quonset hut would be hidden from most vantage points after the remodeling has been completed.

No one was present to speak in opposition to the applicant's proposal.

Mr. Passmore recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Rosenblatt, noting that one of the conditions of the draft resolution specified that no general advertising signs shall be installed on the subject property, asked if the roof top sign which presently exists would be removed. Mr. Pressman replied in the affirmative.

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After further discussion, it was moved by Commissioner Elliott, seconded by Commissioner Carey, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7718 and that the application be approved subject to the conditions which had been recommended by the staff.

CU77.20 - 533 - 29TH AVENUE, WEST LINE, 175 FEET SOUTH OF
GEARY BOULEVARD.

REQUEST FOR AUTHORIZATION TO EXPAND AN EXISTING RESI-
DENTIAL CARE FACILITY FOR THE ELDERLY FROM 6 TO 9
PATIENTS IN AN R-3 AND PROPOSED RH-2 DISTRICT.
(EE77.78)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has a frontage of 50 feet on 29th Avenue and a depth of 173 feet for a total area of 8,650 square feet. The property is occupied by a six-bedroom, two-floor building which was formerly a single-family house. The building is now used as a residential care facility for six elderly persons and is known as Sea Cliff Manor. The applicant proposed to expand the use by adding three beds to existing bedrooms for additional elderly residents. No alterations to the existing building were being proposed.

Mrs. Prepouse, 526 - 30th Avenue, stated that she had no objection to increasing the occupancy of the residential care home. However, she was concerned about what use might be made of the property if the residential care facility were to be discontinued. Mr. Passmore advised Mrs. Prepouse that the property could be developed with two-dwelling units if the existing building were to be torn down. The zoning of the property would not allow it to be developed with an apartment house.

Margaret S. Renna, the applicant, felt that the residential care facility is an asset for the neighborhood. She believed that she is doing a good job; and she indicated that she is trying to do better.

Mrs. Prepouse confirmed that the building is very well maintained and that the use is not disruptive in any way.

Mr. Passmore recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Resolution No. 7719 and that the application be approved subject to the conditions which had been recommended by the staff.

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CU77.22 - 1502-8 FLORIDA STREET, SOUTHWEST CORNER OF ARMY STREET.
REQUEST FOR AUTHORIZATION TO OPERATE A RESIDENTIAL
CARE FACILITY FOR 15 ELDERLY PATIENTS IN AN EXISTING
4-UNIT APARTMENT BUILDING; IN AN R-3 AND PROPOSED
RH-2 DISTRICT. (EE77.79)

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which has frontages of 25 feet on Army Street and 76.5 feet on Florida Street for a total area of 1,925 square feet. The property is developed with an unoccupied apartment building which has four two bedroom-units and four off-street parking spaces. The applicant proposed to convert the building into a residential care facility for 15 elderly patients. The interior layout of the building would be rearranged in order to provide a large lounge, a dining-room and a kitchen on the first floor and eight bedrooms on the second floor. He advised the Commission that the Department of Social Services had indicated that there are no vacant beds for elderly residential care patients in the Mission District. Furthermore, most of the beds available in San Francisco are occupied by people who have lived in San Francisco. He felt that the basic issue before the Commission was whether it would be appropriate to convert one type of housing to another type of housing.

Amelia T. Grepo, the applicant, stated that she was present to answer any questions which might be raised by members of the Commission.

The Secretary called attention to a letter which had been received from Toby Levine, chairperson of the Zoning and Land Use Committee of the Mission Planning Council, which read as follows:

"The Mission Planning Council is concerned about the proposed residential care facility proposed for the above cited building. We are not familiar with the details of this particular proposal and do not know the merits of the case. However, we feel that the approval of this facility may be in contradiction with the established policies of the Department for the following reasons:

- "1. The Residence Element of the Master Plan adopted by the Commission on December 11, 1975, states under Housing preservation:

Objective I

Preserve, improve and maintain existing housing stock.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the financial aspects of the organization. It provides a detailed breakdown of the budget, including income and expenses, and discusses the strategies used to manage the funds effectively. This section also includes a comparison of the current financial performance with the previous year, highlighting the areas of improvement.

3. The third part of the document addresses the operational challenges faced by the organization. It identifies the key areas where resources are being allocated and discusses the measures taken to optimize the use of these resources. This section also includes a list of the major projects and initiatives that are currently underway, along with the expected outcomes.

4. The fourth part of the document discusses the human resources of the organization. It provides information about the current staff levels, the skills and qualifications of the employees, and the plans for future recruitment and training. This section also includes a discussion of the organizational culture and the values that guide the behavior of the staff.

5. The fifth part of the document discusses the external environment of the organization. It provides an overview of the market conditions, the regulatory framework, and the competitive landscape. This section also includes a discussion of the opportunities and risks that the organization faces in the future, and the strategies used to address these challenges.

6. The sixth part of the document discusses the overall performance of the organization. It provides a summary of the key achievements and the areas where further improvement is needed. This section also includes a list of the major risks and the measures taken to mitigate them. Finally, the document concludes with a statement of the organization's vision and mission, and a commitment to continued growth and development.

"2. The same Residence element states under Housing Costs

Policy 1

Preserve and expand the supply of low and moderate income housing.

"3. The Mission Policies for Neighborhood Improvement adopted by the Commission in January, 1976 dates under the Housing Objectives and Policies:

Maximize Housing Opportunities in the Mission while preserving the character and mixture of the existing housing stock.

"Our concern is that the family-oriented housing stock not be further reduced and we hope that you will keep the above in mind when making your deliberations. We do, however, also understand the need for residential care facilities. We believe that these facilities should be equitably placed through the City."

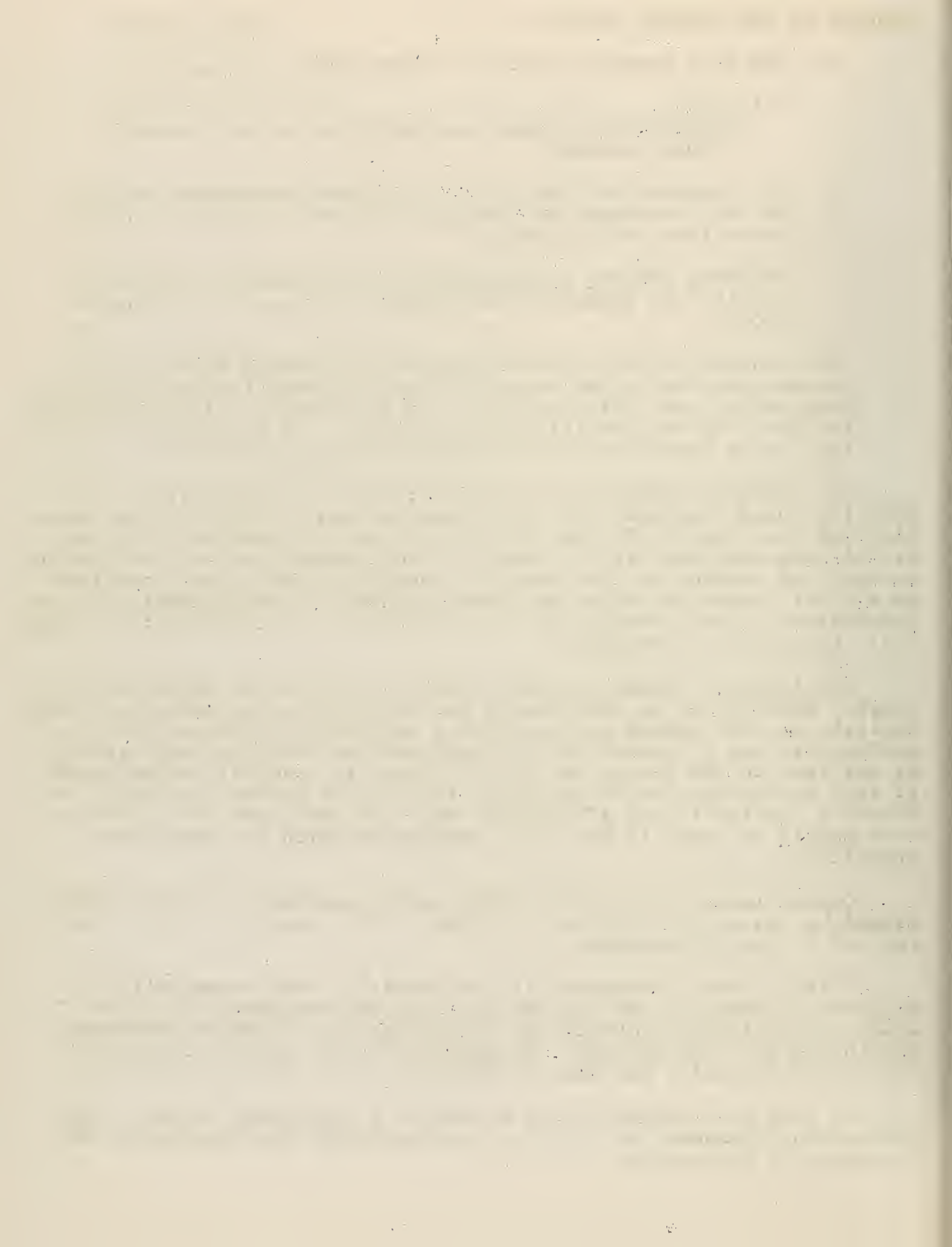
Mr. Passmore stated that he did not feel that conversion of the building would conflict with the objectives and policies of the Master Plan and, in view of the fact that no residential care beds for the elderly are available in the area, he recommended that the application be approved subject to five specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Rosenblatt noted that the resolution which had been adopted authorizing an increase in the occupancy of a residential care facility on 29th Avenue had included a condition specifying that the conditional use of authorization would automatically be terminated if at any time in the future the State license is revoked; and he asked if such a condition would be appropriate in the present instance. Mr. Passmore replied in the affirmative and indicated that such a condition should be added to the draft resolution which was under consideration.

Commissioner Carey asked if the conditions which had been recommended by the staff would be acceptable to the applicant. Ms. Grepo replied in the affirmative.

After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Bierman and carried unanimously that the draft resolution, as revised, be adopted as City Planning Commission Resolution No. 7720 and that the application be approved subject to the conditions which had been recommended by the staff, as revised.

At 4:00 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 4:10 p.m. and proceeded with hearing of the remainder of the agenda.



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DR77.24 - 763 - 25TH AVENUE, WEST LINE, 175 FEET NORTH OF CABRILLO STREET.

DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE REQUEST FOR AUTHORIZATION TO CONVERT A HOUSE TO ADMINISTRATIVE OFFICES FOR A PAROCHIAL SCHOOL; IN AN R-3 AND PROPOSED RH-2 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which measures 125 feet by 120 feet for a total area of 3,000 square feet. The property is occupied by a single family house with four bedrooms and two tandem parking spaces in the garage. The applicant proposed to convert the single-family house to administrative offices for the Hebrew Academy, a parochial elementary school at 766 - 26th Avenue, immediately to the rear of the subject property. The conversion was being proposed for a temporary period; and it would not affect future residential use of the building. The property is presently owned by the Hebrew Academy.

Rabbi Pinchas Lipner, representing the Hebrew Academy, stated that the elementary school, which is the only traditional Jewish school in San Francisco, opened eight years ago with 50 students. The school now has 217 students; and the school is so crowded that new applications cannot be accepted. He stated that the school is looking for a larger facility such as a public school which has been closed. Use of the subject building for administrative offices for the school would help to ease the overcrowded situation until a suitable building can be found in two or three years; and he indicated that he would be willing to sign a letter to the effect that the subject property would not be used by the school for more than three years. Use of the subject building for administrative offices for the school would encourage the staff of the school to park on 25th Avenue; and, as a result, parking congestion on 26th Avenue would be alleviated. He urged that the application be approved on a temporary basis.

Sam C. Siracusa, a resident of the neighborhood, asked if the subject building would be used exclusively for offices or if it would also be converted for classroom use. Mr. Passmore stated that the applicants were not proposing to use any portions of the building for classroom space.

Commissioner Starbuck asked if use of the subject building would enable the school to increase its enrollment. Rabbi Lipner replied that the enrollment may be increased somewhat; however, given the present overcrowded conditions in the school, any increase in enrollment would necessarily be very minimal.

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Commissioner Starbuck then asked if it did not seem to Rabbi Lipner that three years would be a long time for the school to wait for a new building. Rabbi Lipner replied that it may be possible to acquire a new building from the School District for occupancy in September, 1978; however, no definite commitment had yet been made. He indicated that he would be willing to have the Commission establish a condition requiring that the authorization for the occupancy of the subject building be reviewed annually.

Dr. Sampson, representing the Board of Directors of the Hebrew Academy, assured the Commission that the Board is aggressively seeking new quarters for the school. He was confident that a new building would be found within three years; and he indicated that he would be very disappointed if the school were not able to move at an earlier point in time. The present facilities are completely inadequate for the school; and the school hopes to return the buildings to residential use as soon as possible.

Commissioner Starbuck inquired about the number of staff people who would be housed in the subject building and asked how many of those people drive to work. Rabbi Lipner replied that the building would house six or seven staff people, all but one of whom drive to work.

Dr. Sampson stated that the staff presently parks on 26th Avenue as do visitors to the school. If the administrative offices were moved to the subject property, both staff and the visitors would park on 25th Avenue, thus reducing parking and traffic congestion on 26th Avenue.

No one was present to speak in opposition to the subject application.

Mr. Passmore recommended that the application be disapproved. He noted that the Residence Element of the Comprehensive Plan encourages the retention of existing family-type housing; and he remarked that the building on the subject property is a well maintained single-family home. Furthermore, he felt that the applicant had not sufficiently demonstrated that commercial space is unavailable for the proposed use. Finally, he stated that any inconvenience to the applicant would be for a temporary period only, until such time as the applicant relocates the school to a more suitable and spacious building.

Commissioner Dearman stated that she was surprised that the staff had recommended that the application be disapproved; and she asked if the staff were initiating a new policy with respect to requests for temporary uses. Mr. Passmore replied that experience has shown that applications which have been approved for one, two or three year periods are usually the subject of requests for time extensions.

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Dale Franz, an administrative assistant with the Hebrew Academy, emphasized that the Academy would be willing to sign a notice of special restrictions which would limit the conditional use authorization to a maximum period of three years. Moving the administrative offices of the school to the subject building would enable the school to open two new classrooms; and she felt that the extra classroom space would be of great benefit to children who are enrolled in the school. She stated that the school is definitely looking for larger quarters; and occupancy of the subject building should be viewed as strictly a "stop-gap" measure.

Commissioner Starbuck, noting that the second floor of the school building is not used, asked why that space had been closed. Mr. Passmore stated that he had tried to obtain the answer to that question from the Bureau of Building Inspection but had not been successful.

Mr. Sampson stated that the permit for occupancy of the building had been obtained from the Board of Permit Appeals subject to conditions imposed by the Fire Department. Those conditions require that the building be fireproofed throughout and that the top floor of the building not be open under any circumstances, not even for storage. The second restriction seemed somewhat arbitrary; but the school had not been able to have it revoked. He emphasized that the school intended to occupy the subject building only on a short term basis and that it did not plan to alter the building in any way. Thus, it could be used as a residence in the future. Since the school owns the property, it could close the building or demolish it at any time, thus preventing its use for housing. Under the circumstances, he felt that the staff's objection to the proposed office use of the building was somewhat "silly".

President Lau stated that there is a need for family-type housing in San Francisco; and he indicated that he would ordinarily have agreed with the staff recommendation. However, since there had been no opposition to the subject application, since the school had guaranteed that the subject building would be returned to the City's housing stock in three years, and since the purpose of the application was to accommodate a religious school which is supported by the community, he was prepared to vote for approval of the application.

Mr. Passmore noted that the following conditions for approving the project were considered by the staff prior to determining the staff's recommendation for disapproval and he suggested the Commission might adopt such conditions if the application were to be approved: "1. That this authorization for the conversion of a one-family house to administrative offices for the Hebrew Academy is for a period of three years. That a staff review by the Department of City Planning will be undertaken two years following the date of approval.



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2. That there shall be no modification of the building which will result in any change of the one-family residential character of the building.

3. That all buildings owned or used by the Hebrew Academy shall be maintained in a manner appropriate with the neighborhood. That curtains and window-bars shall be placed on the second level of the building at 766 - 26th Avenue.

4. That no signs shall be placed on the subject property.

Commissioner Rosenblatt moved that the application be approved subject to the conditions which had been described by Mr. Passmore and subject to a fifth condition specifying that the rear yard of the subject property shall be landscaped and maintained in a manner consistent with the neighborhood.

The motion was seconded by Commission Dearman.

A representative of the school stated that they had tried to put curtains on the windows of the second floor of the building at 766 - 26th Avenue; but the Fire Department had objected. Mr. Passmore replied that the condition would not be enforced if objection should be registered by the Fire Department.

Commissioner Starbuck made a substitute motion that the application be approved for a one year period only subject to the other conditions which had been recommended. The substitute motion failed for want of a second.

Commissioner Carey then made a substitute motion that the application be approved until September 31, 1978, subject to the other conditions which had been recommended. That motion was seconded by Commissioner Starbuck.

Commissioner Bierman felt that the application should be approved for a three year period as requested by the school.

Commissioner Starbuck stated that he was concerned about the fact that the school had proceeded to purchase the subject property while claiming that it intends to relocate to another site.

Rabbi Lipner stated that the building had been purchased to ease the over-crowded situation in the school while the school is negotiating with the Board of Education for a new facility. He stated that the school has a good faculty; but it has no laboratories, library or gymnasium. Thus, he felt that it was essential that the school find a new building where such facilities can be provided.

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When the question was called on the substitute motion, the motion failed by a vote of 2-5. Commissioners Carey and Starbuck voted "Aye", Commissioners Bierman, Dearman, Elliott, Lau, and Rosenblatt voted "No".

When the question on the main motion was called, the motion was carried by a vote of 6-1. Commissioners Bierman, Carey, Dearman, Elliott, Lau, and Rosenblatt voted "Aye"; Commissioner Starbuck voted "No". As a result, Resolution No. 7721 was adopted approving the application subject to the conditions which had been described by the staff and Commissioner Rosenblatt.

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

DR77.31 - 1071 GIRARD STREET, EAST LINE, 80 FEET NORTH OF WARD STREET.

CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7703252 FOR CONSTRUCTION OF A TWO-STORY, FOUR-UNIT RESIDENTIAL BUILDING IN AN R-3 AND PROPOSED RM-1 DISTRICT.

Robert Passmore, Planner V (Zoning), stated that the Commission had received a letter under date of February 9, 1977, from residents of the 1000 block of Girard Street, requesting that the Commission conduct a discretionary review of any building permit application for a building other than a single-family dwelling on the subject lot. That letter had read as follows:

"We, the undersigned residents of the 1,000 block on Girard Street are addressing this communication to you to express our objections to the planned construction of an apartment building on Assessor's Block #6172 Lot 21W on our Street.

"It is our understanding that recommendations have been made to rezone this lot to R-3. We would like to request that this lot be zoned only for a single family dwelling, R-1. We are all property owners in this block and our homes are all single family dwellings. Many of us have resided here for thirty years and over and would like very much to retain the neighborhood as it presently exists.

"In the event that a request is received by the Planning Commission for a building permit to construct any building other than a single family dwelling on the above identified lot, we respectfully request that the Planning Commission exercise its "discretionary Review Powers" and deny such a permit.

"The builder who proposes to construct the apartment building has cut down five older cedar trees whose ages were 50 years and over. We are deeply concerned about these events and are appealing to you to assist us in this very crucial matter."

Mr. Passmore stated that the subject property had been zoned R-3 since 1960; and, on May 20, 1976, the Commission had initiated interim RM-1 zoning for the property. Girard Street is basically single family residential in character ; however, the subject property used to have a frontage on San Bruno Avenue which has higher density than Girard Street. He believed that the trees on the property had not been removed by the proposed developer but by the real estate broker who had sold the property. The applicant proposed to construct a four-unit residential building on the property. Such a building would be exempt from environmental evaluation and would meet the minimum requirements of the RM-1 zoning classification as outlined in the City Planning Code. The staff is currently re-evaluating the mapping of the interim residential zoning districts established on May 20, 1976, and may decide that RH-1 zoning would be more appropriate for the subject property. In that case, he felt that it would be desirable to see if the proposed building could be modified so that it would be more in keeping with the RH-1 standards. Therefore, he recommended that the request for discretionary review be granted.

Samuel Schneider, the developer, stated that the subject property has been used as a garage dump for many years; and he felt that the proposed building would improve the neighborhood. However, the proposed building would block illegal windows on the property line of an adjacent property; and the owner of that property was anxious not to have his windows blocked. President Lau observed that it has been the policy of the Commission to grant requests for discretionary review without prejudice to either side whenever there is controversy over a proposed development; and, since Mr. Schnieder is frequently at Commission meetings, he felt that he should be aware of that policy.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Starbuck and carried unanimously that the request for discretionary review be granted and that the discretionary review be held on May 26. Commissioner Bierman encouraged residents of the neighborhood to meet with the staff and the developer during the interim to see if any settlement can be reached.

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. The document also mentions the need for regular audits to ensure that all financial data is correctly recorded and reported.

In the second part, the document outlines the procedures for handling financial transactions. It details the steps involved in processing invoices, payments, and receipts. The document stresses the importance of following established protocols to avoid errors and ensure that all transactions are properly documented. It also mentions the role of the finance department in monitoring and controlling the organization's financial resources.

The third part of the document focuses on the management of financial risks. It discusses various strategies to identify, assess, and mitigate potential financial threats. The document highlights the importance of having a contingency plan in place to deal with unexpected financial challenges. It also mentions the need for regular communication and collaboration between different departments to manage financial risks effectively.

The final part of the document provides a summary of the key points discussed. It reiterates the importance of maintaining accurate financial records, following proper procedures for transactions, and managing financial risks. The document concludes by stating that these practices are essential for the long-term success and sustainability of the organization.

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DR77.26 - 371-75 - 3RD AVENUE, WEST LINE, NORTH OF GEARY
BOULEVARD.

DISCRETIONARY REVIEW OF BUILDING APPLICATION NO. 7701303
FOR AN ELEVEN-UNIT DWELLING WITH GROUND LEVEL COMMERCIAL
SPACE IN A C-2 ZONING DISTRICT. (EE77.33)

Robert Passmore, Planner V (Zoning), noted that the Commission had decided to take this matter under discretionary review during its meeting on April 28. At that time three basic concerns had been expressed by Mr. Eisen, the individual which had requested the discretionary review. Mr. Eisen objected to any commercial use of the proposed building whatsoever. However, if commercial activity were to be allowed, he was concerned about the type of activity which would result. Finally, he was concerned about the open space which was being provided on the side. Mr. Passmore indicated that he had met with Mr. Eisen and with the applicant on Monday to discuss the issue. He had explained that it would be difficult for the Commission to refuse to allow any commercial activity whatsoever in the building because the property is zoned C-2 and such a prohibition would be tantamount to reclassification of the property. However, he had suggested that the Commission would be able to establish conditions which would govern the types of commercial activities which would be permitted. Mr. Eisen had continued to request that commercial activities be completely prohibited in the building. With regard to the issue of open space, Mr. Eisen had felt that open space equal to 45% of the area of the lot should be provided. However, the City Planning Code requirement for residential units in commercial zoning districts is 200 square feet of open space for each dwelling unit; and that requirement would be met by the deck which the applicant proposed to construct. Following the meeting, the applicant had submitted revised plans which showed how the deck would be developed as usable open space and which called for the lowering of a portion of the building by two feet. The applicant had also indicated that he would be willing to accept restrictions which would limit commercial activities in the building to retail or personal service uses as opposed to bars or other uses which would remain open later than 10:00 p.m.

During the course of Mr. Passmore's presentation, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Commissioner Rosenblatt, referring to a letter which Mr. Eisen had given to members of the Commission, asked if Mr. Passmore had clarified the confusion which had existed concerning the open space issue. Mr. Eisen, who was present in the audience, stated that he and Mr. Passmore continued to have a difference of opinion regarding the open space requirement for the subject property.

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Commissioner Starbuck asked if residents of the neighborhood had made an effort to have the subject property reclassified for residential use prior to the time that the interim residential zoning controls were initiated by the Commission on May 20, 1976. Mr. Eisen replied that he believed that Arden Danekas of the Planning Area for the Richmond (PAR) had made such an effort.

Mr. Passmore stated that the staff was not aware that the Larra-buru Bakery would be going out of business when the interim residential zoning controls were being drafted. Furthermore, an enforcement action which had been initiated by the staff against that firm was then pending. As a result, the staff had not recommended that the zoning of the property be changed. In conclusion, he stated that it was his opinion that the proposed project would comply with the provisions of the City Planning Code.

Mr. Eisen stated that he had discussed the proposed development with architects and other experts; and no one felt that the project would conform to the open space requirements of the City Planning Code. He indicated that a petition had been signed by individuals who live within a 300 foot radius of the subject property; and they were requesting that the permit be held until the project has been brought into conformity with the City Planning Code. Many children live on 3rd Avenue; and two serious accidents in which children have been injured by delivery trucks have occurred in recent years. He felt that approval of a commercial use on the subject property would encourage other commercial development on 3rd Avenue; and such development would be a threat to the safety of the neighborhood. While the applicant had expressed a willingness to accept restrictions on the nature of commercial activities which could take place within the proposed building, he had opposed that approach because such restrictions are difficult to enforce. The desire of residents of the neighborhood was that the building should be used exclusively for residential purposes.

Samuel Schneider, representing the applicant, stated that the Residential Builders Association has disagreed with some of the provisions of the City Planning Code; but they had never taken the position that the staff of the Department of City Planning is not qualified to interpret legislation which they have written. He remarked that the interim zoning controls which had been initiated by the Commission on May 20, 1976, affected only residential districts and did not apply to commercial and industrial districts which are to be covered at a later date. While Mr. Eisen had inferred that residents of the neighborhood are overwhelmingly opposed to the proposed project, the applicant had visited residents of the neighborhood to discuss the proposal and had not found any opposition to the project. Mr. Eisen seemed to be afraid that the commercial portion of the building would

be occupied by a bakery; however, bakeries cannot be placed in a residential building unless the building has three-hour fire walls. Further, the applicant would be in no position to make arrangements with prospective tenants for the commercial space until the building is under construction. He urged the Commission to approve the building permit application for the project with the revisions which had been agreed to by the applicant.

Mr. Passmore felt that it would be inappropriate to prohibit completely any commercial activity in the proposed building because the property is zoned C-2. However, since the property is adjacent to and across the street from residential buildings, he felt that some restrictions should be established as to the nature of commercial activities which would be permitted. He recommended that the building permit application based on revised plans which had been submitted be approved subject to the following conditions:

- "1. Landscaping of the usable open space shown on the said plans shall be installed in accordance with recommendations by the Department of City Planning.
- "2. Occupancy of the ground floor commercial space shown on said plans shall be limited to retail businesses, personal services or offices, excluding any bar or use that would be open to the public later than 10:00 p.m."

Commissioner Rosenblatt asked if Condition No. 2 as proposed by Mr. Passmore would allow the commercial space to be used by a restaurant. Mr. Passmore replied in the affirmative.

Commissioner Rosenblatt stated that he felt that a restaurant should be prohibited, since such a use would be likely to cause automobile and pedestrian congestion.

Mr. Passmore recommended that Condition No. 2 of the draft resolution be revised to read as follows:

"Occupancy of the ground floor commercial space shown on said plans shall be limited to retail businesses, personal services or offices, but not including any bar, restaurant, public assembly, or use that would be open to the public later than 10:00 p.m."

It was then moved by Commissioner Bierman and seconded by Commissioner Starbuck that the application be approved subject to the conditions which had been recommended by Mr. Passmore, as amended,

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President Lau stated that he felt that Mr. Eisen and residents of the neighborhood had valid objections to the proposed project, however, he agreed with Mr. Passmore that it would be inappropriate to deny any commercial activities whatsoever on property which is zoned for commercial use.

When the question was called, the Commission voted unanimously to adopt Resolution No. 7722 and to approve the building permit application subject to the conditons which had been recommended by Mr. Passmore, as amended.

The meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 12, 1977

The City Planning Commission met pursuant to notice on Thursday, May 12, 1977, at 1:30 p.m., in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Peter Svirsky, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Charles Gill, City Planning Coordinator; Wilbert Hardee, Planner III; Jonathan Twichell, Transit Planner III; Ralph Gigliello, Planner II; Mary Ann Miller, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, advised the Commission of modifications made by the Board of Supervisors in the Department of City Planning's proposed budget for the next fiscal year. Five new positions approved by the Mayor were deleted, four of them being clerical positions. The Board also established a "Salary Savings Estimate" of \$83,207 for the Department. Meeting this goal would be equivalent to requiring each permanent employee paid from ad valorem funds to be on leave without pay for a total of 21 working days during the year.

The Director informed the Commission that the official public hearing on the proposal to undertake a Rehabilitation Assistance Program (RAP) project in Bayview North will be held on Saturday, May 21, at the Joseph Lee Recreation Center from 1:00 p.m. until 4:00 p.m.

The Director reported that the Memorandum of Understanding, outlining the respective responsibilities of the Department of City Planning and the Redevelopment Agency relative to the Redevelopment Survey Area in the Northeastern Waterfront from Pier 7 to China Basin, is still pending.

Commissioner Starbuck reported that the Public Utilities Commission, meeting on Tuesday, had voted to oppose the proposed Charter amendment which would establish a new Transportation Commission. The Director indicated that the Director of Public Works had also responded negatively to the proposal.

CONSIDERATION OF DRAFT RESOLUTION RELATING TO THE PROPOSED FOUR EMBARCADERO CENTER DEVELOPMENT (OFFICE BUILDING AND OTHER USES ON THE BLOCK BOUNDED BY SACRAMENTO, DRUMM, AND CLAY STREETS AND THE EMBARCADERO.)

Rai Y. Okamoto, Director of Planning, noted that he had given the members of the Commission a memorandum on this subject at last week's meeting; and he recommended the adoption of a draft resolution which he had prepared which read as follows:

"WHEREAS, Assessor's Block 233 located in the Golden Gateway Redevelopment Project is proposed for development into an office/shopping complex to be known as Four Embarcadero Center; and

"WHEREAS, The San Francisco City Planning Commission has a direct responsibility in the consideration of plans for redevelopment project areas; and

"WHEREAS, There has previously been substantial public concern expressed over the impacts of the Embarcadero Center portion of the Golden Gateway project; those impacts including the visual wall effect by the Center's structures and the effect of intense office activities on adjacent public facilities; and

"WHEREAS, There now exists particular concern over the size of structure and type of use permitted by the project redevelopment plan to be developed on the last remaining site in Embarcadero Center, that of Four Embarcadero Center; that plan permitting a 60-story, one million square foot office tower to be built; and

"WHEREAS, The Master Plan of the City and County of San Francisco contains policies in its Urban Design Element and Plan for the Northeastern Waterfront which call for lower height and lower intensity of development adjacent to San Francisco Bay; and state that office development should be limited so as to facilitate public access to the Bay; and the City Planning Code contains height and bulk provisions which would prohibit the development of the 60-story tower were it not exempt due to the City's agreement with the redeveloper which predates the Code provisions;

"THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission is of the opinion that Four Embarcadero Center should not be developed with a 60-story, one million square foot office building as permitted by the Redevelopment Plan for the Golden Gateway Redevelopment Project; and

"BE IT FURTHER RESOLVED, That the Commission is of the opinion that in keeping with policies of the City's Master Plan related to the size of structures adjacent to the Bay, Four Embarcadero Center should be lower in height than the project's 20-story hotel inland of the subject site; and that the types of uses developed should predominantly be those which encourage patronage by the general public, such as entertainment, recreation and public assembly facilities, hotel-related activities and open space complementary to adjacent park facilities; and

"BE IT FURTHER RESOLVED, That the Commission praises the San Francisco Redevelopment Agency and the project's redeveloper for the high quality of the Embarcadero Center facilities developed to date, and trusts that this same quality will occur in the development of Four Embarcadero Center."

President Lau asked if the Department of City planning had met with the staff of the Redevelopment Agency to discuss the draft resolution. The Director replied in the negative, indicating that a meeting had been scheduled but that it had to be cancelled. He noted, however, that the Redevelopment Agency had already adopted a resolution encouraging the developers to propose a building with lesser height than would be allowed by the City's previous agreement.

Commissioner Elliott asked what effect adoption of the draft resolution would have. The Director replied that adoption of the draft resolution would technically have no effect; however, it would serve as a statement of the Commission's policy objectives which could be transmitted to the Redevelopment Agency and the developer for consideration.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7723.

ZT76.6 - PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ARTICLES 2 AND 6 OF THE CITY PLANNING CODE TO PROHIBIT GENERAL ADVERTISING SIGNS (OFF-SITE SIGNS AND BILLBOARDS) THROUGHOUT THE CITY AND COUNTY OF SAN FRANCISCO, TO REQUIRE REMOVAL OF ALL EXISTING GENERAL ADVERTISING SIGNS AFTER AN AMORTIZATION PERIOD, AND TO MAKE RELATED MODIFICATIONS.
(CONTINUED FROM MEETING OF FEBRUARY 10, 1977.)

Commissioner Starbuck moved that this matter be continued under advisement indefinitely. He remarked that there has been recent case law on the subject of billboard restrictions including case law in California; and he felt that the ordinance under consideration by the Commission, as presently drafted, could be in conflict with the guidelines established by one recent court decision.

As a result, he felt that it would not be appropriate for the Commission to forward to the Board of Supervisors a proposed ordinance which may or may not be constitutional. One of the cases to which he had referred will be reviewed by the State Supreme Court at a later date; and he felt that the Commission should defer action on the proposed ordinance until that issue has been resolved. He also noted that local politics are presently in an agitated state; and, as a result, there was a possibility that the proposed ordinance might be disapproved by the Board of Supervisors, if it were sent to them for consideration without due deliberation. In conclusion, he incorporated into his motion a stipulation that representatives of the billboard industry and proponents of the proposed ordinance be given more notice of the next hearing on this matter than would ordinarily be required.

The motion was seconded by Commissioner Rosenblatt.

When the question was called, the Commission voted unanimously to continue this matter under advisement indefinitely and to request the staff to give notice of the next hearing on this matter to industry representatives and to supporters of the proposed ordinance further in advance than would ordinarily be required.

At 2:05 p.m. President Lau announced a 25-minute recess. The Commission reconvened at 2:30 p.m. and proceeded with hearing of the remainder of the agenda. Commissioner Elliott was temporarily absent from the meeting room.

LM77.2 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE ROTHSCHILD HOUSE, 964 EDDY STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), indicated that the Landmarks Preservation Advisory Board had requested that this matter be returned to it jurisdiction for further consideration; and he indicated that the staff was recommending that the request be honored.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that this matter be returned to the Landmarks Preservation Advisory Board for further consideration.

LM77.4 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE ORTMAN-SHUMATE HOUSE, 1901 SCOTT STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), read the Landmarks Preservation Advisory Board's statement regarding the significance of the subject building; and he recommended that a draft resolution which had been prepared to approve the proposal to designate the building as a Landmark be adopted by the Commission.

President Lau asked if anyone were present in the audience to speak in opposition to the proposal and received a negative response.

After further discussion, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7724 be adopted and that the proposal to designate the Ortman-Shumate House at 1901 Scott Street as a Landmark be approved.

LM77.5 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE SCHOENSTEIN ORGAN COMPANY BUILDING, 3101 - 20TH STREET, AS A LANDMARK.

Robert Passmore, Planner V (Zoning), read the Landmarks Preservation Advisory Board's statement concerning the significance of the subject building; and he recommended that a draft resolution which had been prepared for approval of the proposal to designate the building as a Landmark be adopted.

President Lau asked if anyone were present in the audience to speak in opposition to the proposal to designate the building as a Landmark and received a negative response.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that Resolution No. 7725 be adopted and the proposal to designate the Schoenstein Organ Company Building at 3101 - 20th Street as a Landmark be approved.

EE76.90 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PARKING STRUCTURE FOR 475 AUTOMOBILES IN THE BLOCK BOUNDED BY THE EMBARCADERO AND MISSION, STEUART, AND HOWARD STREETS.
(UNDER ADVISEMENT FROM MEETINGS OF MARCH 31, AND APRIL 14, 1977.)

The staff noted that the agenda for this meeting had indicated that this matter would be continued under advisement until the meeting of July 14; and it was recommended that the Commission act to carry the matter forward until that date. It was then moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the matter be continued under advisement until the meeting of July 14, 1977.

R77.10 - PROPOSED ACQUISITION OF PROPERTY BY THE SAN FRANCISCO PARKING AUTHORITY FOR CONSTRUCTION OF THE EMBARCADERO/MISSION PARKING GARAGE.
(POSTPONED FROM MEETINGS OF MARCH 31, AND APRIL 14, 1977.)

Since the Draft Environmental Impact Report for this project had not yet been certified as complete, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that this matter be further postponed until the meeting of July 14, 1977.

RS76.13 - REVIEW OF SUBDIVISION FOR CONSISTENCY WITH MASTER PLAN.
6-UNIT RESIDENTIAL SUBDIVISION AT NORTHEAST CORNER OF
ALEMANY BOULEVARD AND FOLSOM STREET.

Ralph Gigliello, Planner II, stated that the subject property is an irregular parcel with frontages of 222 feet on Alemany Boulevard and 100 feet on Folsom Street for a total area of approximately 16,300 square feet. The property is in an R-1 and proposed RH-1 zoning district. It is vacant. The applicant proposed to resubdivide the three vacant lots to create six lots for the construction of six single-family houses. The proposed houses would have four bedrooms with approximately 200 square feet of living area on two levels over two-car garages. Lots would measure 1,870 to 4,200 square feet. Sale prices are estimated at not less than \$50,000. The staff of the Department of City Planning had issued a negative declaration for the project on April 26, 1977; and that negative declaration had not been appealed.

President Lau asked if anyone were present in the audience to speak in opposition to the applicant's proposal and received a negative response.

Mr. Gigliello recommended that the proposed subdivision be approved as consistent with the Master Plan subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission.

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7726.

EE76.162 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR A
PROPOSED 29 STORY OFFICE BUILDING AT 180 MONTGOMERY STREET.

Ralph Gigliello, Planner II, summarized the Draft Environmental Impact Report and described recent changes which had been made in the plans for the proposed building. He also called attention to a letter which had been received from the Association of Bay Area Governments (ABAG) with comments on the proposed project. Subsequently, he and other members of the staff responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board; Carol Webster, representing San Francisco Tomorrow; and Corwin Booth, the developer. Ms. Webster requested that the Commission conduct a discretionary review of the proposed project.

At the conclusion of the hearing, it was moved by Commissioner Dearman, seconded by Commissioner Elliott, and carried unanimously that the public hearing on this matter be closed and that the matter be taken under advisement until the meeting of July 28, 1977, to provide time for the staff and the developer to prepare written responses to comments which had been made and questions which had

been raised during the course of the public hearing. Commissioner Starbuck was absent from the meeting room when the vote was taken.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

At 3:50 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 4:00 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.25 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 463963 FOR A SEVEN-UNIT APARTMENT BUILDING AT 120 JOICE STREET, EAST LINE, 75 FEET NORTH OF CALIFORNIA STREET.

Robert Passmore, Planner V (Zoning), indicated that the applicant had requested that this matter be postponed; and he recommended that it be postponed until the Commission's regular meeting on May 26.

It was moved by Commissioner Bierman, seconded by Commissioner Rosenblatt, and carried unanimously that this matter be postponed until the Commission's meeting on May 26, 1977. Commissioners Elliott and Dearman were absent from the meeting room when the vote was taken.

DR77.13 - 1026 VALLEJO STREET, NORTH LINE, 114.2 FEET WEST OF TAYLOR STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR A SEVEN-UNIT BUILDING IN AN R-4 AND PROPOSED RH-2 DISTRICT. (EE76.447)

CU77.25 - 1026 VALLEJO STREET; AND 961 GREEN STREET, SOUTH LINE, 200 FEET WEST OF TAYLOR STREET.
REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR COMMUNITY PARKING GARAGES ACCOMODATING 23 PARKING SPACES WITH ACCESS FROM VALLEJO STREET UNDER 1026 VALLEJO STREET (A PROPOSED SEVEN-UNIT DWELLING) IN A PROPOSED RH-2 ZONING DISTRICT, AND 18 PARKING SPACES WITH ACCESS FROM GREEN STREET UNDER 961 GREEN STREET (A PROPOSED EIGHT-UNIT DWELLING) IN A PROPOSED RM-2 ZONING DISTRICT CURRENTLY ZONED R-4. (EE77.126)

VARIANCES FROM THE CITY PLANNING CODE FILED UNDER APPLICATION NO. VZ77.21 TO BE HEARD BY THE ZONING ADMINISTRATOR INVOLVING FRONT SETBACK AND REAR YARD VARIANCES FOR THE PROPOSED 1026 VALLEJO STREET DWELLING AND REAR OPEN SPACE AND HEIGHT LIMIT FOR THE PROPOSED 961 GREEN STREET DWELLING. (EE76.447)

Robert Passmore, Planner V (Zoning), indicated that the Environmental Evaluation of the proposed project had not yet been completed; and, as a result, no action could be taken on any of the items which had been calendared for consideration. He then referred to land use and zoning maps to describe the subject

property which consists of two lots. The lot fronting on Vallejo Street has a street frontage of 100.8 feet and a total area of 11,674 square feet. The lot fronting on Green Street has 85.5 feet of frontage on that street and a total area of 11,756 square feet. The applicant proposed to construct a seven-unit apartment building on the Vallejo Street property and an eight-unit building on the Green Street property. The Vallejo Street building would have two parking levels with access from Vallejo Street. The lower parking level would have eight off-street parking spaces and the upper level would have five parking spaces. The building fronting on Green Street would also have two parking levels with eight or nine spaces on each level accessible from Green Street. Part of the rock outcropping on Green Street would be removed to provide access to the parking spaces. The proposed RH-2 density standards of the Vallejo Street property would allow only two dwelling units to be constructed on that site unless the Commission were to grant conditional use authorization for additional units. The Commission could authorize one dwelling unit for each 1500 square feet of lot area; and, given the size of that lot, up to seven dwelling units could be permitted. The City Planning Code would require provision of a total of 15 off-street parking spaces for the two buildings; however, the applicant proposed to provide approximately 40 off-street parking spaces. The applicant would be allowed 12 spaces in the Green Street building and 10 spaces in the Vallejo Street building as accessory parking without need for conditional use authorization from the Commission. However, provision of 40 off-street parking spaces would require conditional use authorization from the Commission as a community parking garage. The applicant had also filed for variances from the front setback requirements for the building on Vallejo Street, and rear yard and open space standards for both buildings. In addition, a height measurement variance was being sought to allow a building height greater than 40 feet at the front property line on Green Street. These variance matters were being considered by the Zoning Administrator.

In conclusion, Mr. Passmore stated that the subject portion of Russian Hill is considered by many people to have a number of buildings which have potential for landmark status; and, as a result, the area may be designated as an historic district at some future point in time.

Putman Livermore, the applicant, indicated that he lives at 1023 Vallejo Street. He advised the Commission that residents of the neighborhood had attempted to have the area reclassified to R-1 with a 40-foot height limit between 1959 and 1962. At the same time, the owners of the subject properties were trying to develop them with high-rise buildings. Residents of the neighborhood lost their zoning fight by one vote; however, they were able to stop construction of the proposed buildings. After the Summit apartment building was constructed in the neighborhood, residents of the neighborhood had purchased the two subject properties, paid for the plans which had been prepared for the high-rise buildings, and succeeded in having a 40-foot height limit imposed on the properties. The project which was presently before the Commission for consideration was an alternate to the previous high-rise development scheme; and he illustrated the contrast between the two proposals on a model which was placed before the Commission. The high-rise buildings would have brought 120 new dwelling units to the neighborhood. However, after he and other residents of the neighborhood had

acquired the subject properties, they had established their own criteria which called for only 18 dwelling units, an architectural style which would be in keeping with the character of the neighborhood, and adequate off-street parking. They had held the property for 15 years; and, although offers had been made for purchase of the property during that time, no one had agreed to meet the criteria which had been established. Therefore, in 1975, a team had been formed to prepare plans for a project which would meet the criteria; and he felt that the project which was being proposed represented a fine low-density type of development. He stated that a model of the proposed project had been shown to residents of the neighborhood over a period of several months; and several changes had been made in the plans as the result of neighborhood discussion. He understood that the Commission would not be able to take action on the proposal during the present meeting; and he indicated that he would be willing to continue to work with residents of the neighborhood, the staff of the Department of City Planning, and the Commission to perfect the plans for the project. By providing additional off-street parking spaces, he felt that the proposed project would help the parking situation in the neighborhood; and he believed that the proposed project would be an asset to a part of Russian Hill which is visible from many parts of the City.

George Homsey, architect for the applicant, described the type of architectural character being proposed for each of the buildings. The building on Vallejo Street had been designed to serve as a transition between single-family houses on that street and the larger apartment buildings on the northern portion of the block. The building would be shingled; and the entrance to the parking garage would result in the removal of only one curb-side parking space. The Green Street building would be modeled after a building on the opposite side of the street. It would extend to its front and side property lines as do other buildings on the street; and the design of the building would incorporate a Spanish-style roof, balconies, and bay windows. The property is subject to a 40-foot height limit and to certain deed restrictions which had led to a particular building configuration. Furthermore, an effort had been made to keep that building away from its westerly property line. Therefore, the building had been extended in a north/south direction, leaving only a 15-foot rear yard on that lot which would require a variance from the City Planning Code. However, the proposed building would be from 50 to 70 feet distant from existing buildings to the north. Furthermore, since the project was considered as a single entity, it would exceed the open space requirements of the City Planning Code. The Green Street property has a deed restriction limiting the height of any building constructed on that site to 348 feet above city datum; and the rear portion of the building would be designed to be compatible with the adjacent building.

Lawrence Livingston, of Livingston & Associates, City and Regional Planners, stated that his firm had undertaken a planning study of the subject property for Mr. Livermore in 1959 and had concluded that the zoning which was then in effect would allow excessive density and would allow construction of buildings which would block views and which would cause potential parking problems. They had recommended that the density limits be lowered to one unit for each 1,000 square feet of lot area, that a maximum height limit of 40 feet be established, and that

off-street parking be provided at a ratio of 1.4 off-street parking spaces for each dwelling unit proposed. He indicated that the interim zoning which is presently in effect for the subject property closely conforms to the recommendations which his firm made 18 years ago. He remarked that each of the proposed units would contain approximately 3,000 square feet of floor area; and, given the rather large size of the units, he believed that it would make sense for the applicant to provide the additional parking spaces which were being proposed. He also believed that the decision to provide entrances to the parking spaces from both Green and Vallejo Streets was preferable to the original proposal for having a single entrance on Vallejo Street. He advised the Commission that he had recently taken traffic counts on both Green and Vallejo Streets in the immediate vicinity of the subject property; and he did not believe that the proposed project would bring either of those streets close to their theoretical traffic capacity.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

Constantine Chekene, a structural engineer, indicated that he intended to do a very extensive investigation of soil conditions on the subject properties. He stated that two reports concerning the site are already available; and he expected to do additional analysis. He did not believe that the proposed project would require excavation in which blasting would be necessary; however, if that expectation should prove to be incorrect, the project would have to be redesigned since blasting on the subject property would be inappropriate. He also assured the Commission that concern would be given to the stability of neighboring buildings while excavation is taking place.

Vincent Cullinan, attorney for the owner of property at 947 Green Street, stated that his client had three principal objections to the proposed project. Those objections were that the Green Street building would not have a ten-foot setback, that it would violate a height limit established through a private easement, and that the proposed project would cause traffic and parking problems on Green Street.

Mr. Livermore stated that the ten-foot easement would be honored. There had been a disagreement in interpretation of the height restriction; but he had agreed to observe the most restrictive interpretation.

Mr. Cullinan stated that he believed that the proposed project would create traffic-flow problems on Green Street where the right-of-way is extremely narrow because of a rock outcropping; and he wondered if property owners on the north side of Green Street had been notified that the Commission would be considering this matter.

Mr. Passmore stated that notices of the hearing on the revised plans had been mailed to property owners in the area; however, they had been mailed only ten days in advance of the scheduled hearing.

Mr. Cullinan then asked if the applicant had demonstrated that the proposed project would meet the five criteria which must be met if variances are to be granted from the provisions of the City Planning Code. Mr. Passmore replied that he believed that it had been the intent of the applicant's architect to comment on the five criteria, although he had not done so in sequence. He acknowledged, however, that the criteria would have to be established if the variance application were to be approved.

Mr. Cullinan then asked if the Environmental Impact Report for the proposed project would deal with the issue of traffic. Mr. Passmore replied that the staff of the Department of City Planning had not required that an Environmental Impact Report be prepared for the project. However, the staff had requested an additional environmental evaluation data which would provide information relating to the issues of traffic and site preparation.

Commissioner Starbuck inquired about the specific concerns of Mr. Cullinan's client with regard to the issue of traffic. Mr. Cullinan replied that his client believed that many guests would not use the off-street parking which would be provided; and, as a result, they would increase the problem of on-street parking congestion. Furthermore, the dead-end portion of Green Street where automobiles turn around is right in front of his client's front door. He also believed that the traffic and parking congestion which would be created by the proposed project would interfere with Fire Department access to properties in the area.

Mr. North, 1750 Taylor Street, asked if there were any truth in the rumor that the so-called "guest" parking spaces in the proposed project would be rented to residents of other buildings in the neighborhood for money. Mr. Livermore replied that the guest spaces would be reserved for guests.

Gordon W. Mallatratt, Chairman of the 945 Green Street Corporation, stated that he was appreciative of the concern which Mr. Livermore and his associates had demonstrated for the crest of Russian Hill; however, it had been difficult for him to keep up-to-date with changes which had been made in the plans for the proposed project. In fact, he had only recently discovered that automobile access from Green Street was being proposed. He regarded that to be a major change in the plans; and he felt that the change should have been called to the attention of residents of the neighborhood. He then read a letter which had been addressed to the Commission under date of March 24, as follows:

"The undersigned President of 945 Green Street Corporation, protests the above named application for zoning variances as to Lot #26, in particular:

- "1. A rear yard open area of only 13 feet is sought when a minimum depth of 38 feet is required by the Planning Code.
- "2. Applicant proposes a 40-foot height on the Lot #26 structure but the RH-2 District Limit is 30 feet.

- "3. The proposed structure and decks violate the restriction in the Grant Deed dated December 5, 1956 and filed in the Recorder's Office # 46025 on January 21, 1957, copy enclosed.

"As stated in the City Planning Memorandum dated May 20, 1976 regarding RH District Development Guidelines, 'in single-family and two-family districts a maximum height limit of 30 feet must be observed unless topography or juxtaposition of existing buildings warrants approval of a higher limit, up to 40 feet, as a conditional use'. No such exceptions are shown as to the Lot #26 site.

"Your denial of these variances is respectfully requested."

Mr. Passmore stated that earlier plans which had been submitted by the applicant called for parking to the rear of the building; and, as a result, the Green Street building would have had a creditable rear yard area of only 13 feet in depth. Since the parking had been relocated beneath the buildings, the Green Street building would have a creditable rear yard of 42 feet; however, since Planning Code standards would require an even larger rear yard, a variance would still be required. On May 31 the Commission had changed the interim RH-2 zoning standards to allow a permitted height of 40 feet in that district; and, as a result, conditional use authorization from the Commission would no longer be required for a building with a height in excess of 30 feet. It was his understanding that the proposed structure would honor any private restrictions or easements which might be in effect.

Mr. Mallatratt stated that his principal concern was that the proposed project would create a traffic bottle-neck on Green Street where the rock outcropping has reduced the width of the right-of-way to 18 feet. He indicated that Fire Department vehicles have had difficulty getting into the area in the past; and he believed that the proposed project would increase congestion in the area. He suggested that the Commission and the staff of the Department of City Planning should discuss the traffic issue with representatives of the Police Department and the Fire Department.

Murray Richards, owner of a parcel of property adjacent to the subject property on Vallejo Street, stated that he was appreciative of Mr. Livermore's efforts to stabilize development on the crest of Russian Hill; however, he felt that it was time for the Commission to stop considering new projects on a parcel-by-parcel basis and to look at the neighborhood as a whole. He suggested that in depth plans should be prepared to solve the traffic and parking problems on Green and Vallejo Streets. While he was not happy about the conditional use and variance requests which were being made by the applicant, he indicated that he would withhold his objection to those requests if the Commission would be willing to address itself to the traffic problems which Russian Hill is experiencing.

Jonathan C. Rice, 1 Russian Hill Place, submitted and summarized a letter which read as follows:

"I do not oppose the plans submitted by Put Livermore for the development of his property on Vallejo Street. Mr. Livermore has worked very hard to produce a plan that will cause the least possible aesthetic and environmental damage to the very special neighborhood where he and I both live. I feel his proposal is well thought out and as good as we, his neighbors could hope for.

"Nevertheless, this project and all other developments that add to the population density, increase the traffic congestion and exacerbate the parking problems in the cul de sac (made up of the 1000 block of Vallejo, Florence Street, and Russian Hill Place), seriously threaten the block's continued existence as one of this city's historical and aesthetic treasures.

"Is this area a treasure? Heavy tourist traffic, daily visits by walking tours, classes and workshops in architecture would seem to support such a description. As further proof I have attached copies of a spread from the bible of San Francisco's architectural heritage, Here Today. All five of the landmark houses pictured here are on Vallejo between Jones and Taylor. I live in and own the Willis Polk House, shown bottom center. Two additional buildings in this very special block (1001 and 1075-77 Vallejo) were selected by the editors of Here Today as worthy of listing in the book's appendix. Descriptions of these homes are attached along with the book's enthusiastic textual description of the 1000 block on Vallejo.

"It is very important to note that, of these seven historic buildings---buildings which contain eighteen separate living units---not one boasts either a garage or an offstreet parking space. A few of the other 25 units within the cul de sac are also without parking. Moreover, there are, on those portions of Jones, Taylor, Broadway and Green Streets which surround the Vallejo cul de sac, some 70 additional living units with no offstreet parking.

"In the Vallejo cul de sac there are only twenty-six supposedly legal parking places. During the past fifteen years these have been augmented, through Put Livermore's generosity, by 8 to 10 additional parking spaces on his empty land. Thus, when construction begins and these spaces become unavailable what has long been a very troublesome parking situation will become a full-fledged disaster.

"I believe I was able to afford my home in the late 1960's only because it did not have a garage. Since that time parking has become increasingly troublesome and so has traffic in the cul de sac. It seems clear to me that this trend, which will be ac-

celerated greatly by the pending project, will eventually make it quite impractical to live in a garageless house on this section of Russian Hill. Only owners with chauffeurs and unlimited tax funds, or owners and tenants willing to walk many blocks in the dark and in inclement weather, fight for space on a cable car, or struggle up steep hills with laundry and groceries will be able to live in these fine old buildings. I fear the time is fast approaching when owners like myself will be forced to consider replacing their homes, be they landmarks or not, with modern multi-unit buildings with garages. This would be a tragic event. And yet, I see no way a single home owner can reverse the trends. Thus, I am here today to urge the Planning Commission and its staff to give highest priority to the search for solutions, of which I am certain there must be some.

"One possibility would be the development of a policy that uses all the Commission's powers to encourage any new project, Mr. Livermore's included, to provide parking spaces built for and specifically assigned on a one per living unit basis, to neighboring residents without garage or parking space. These spaces should be offered for sale or long-term lease to the neighbors at cost.

"Perhaps a system of priorities could be established favoring the owners of 'landmark' homes in the assignment of these spaces. A major thrust of this suggestion, of course, is that it puts some burden on the developer to help seek neighborhood-wide solutions to problems accentuated by his development.

"Another approach would be to establish special status for the Vallejo cul de sac so that parking would be limited strictly to residents of the immediate area. Such a limitation would definitely ease the problem in the cul de sac. One way to do this would be through the creation of a special parking permit...a permit that delineates a zone within the larger area covered by the innovative preferential parking plan developed by your staff and approved by this Commission.

"Still another approach would be to set up a plan for residents to lease the streets in the cul de sac, so that all parking would be private.

"Finally, there may be a way to design and landscape areas between the sidewalk and the street so as to create parking spaces that could be allocated to garageless homes.

"But these are all a layman's suggestions. We face a problem, and each new development, each additional vehicle, each lost parking space compounds this problem. I hope this Commission, and its professional staff, as it examines all new proposals, will accept its responsibility to help us find long-range solutions."

Mr. North indicated that the property which he owns has 6,950 square feet of lot area and is thus approximately 60% as large as either of the parcels of property presently under consideration. Yet, new provisions of the City Planning Code would limit development of his property to one dwelling unit. When he purchased his property, he was told that set-back and open space provisions were applicable to other properties in the area which would serve to protect his own property. While he was generally in favor of the approach being taken by the applicant, he felt that the project would be much better if it were designed so that it would not require variances from the City Planning Code. He stated that he was strenuously opposed to the granting of variances for the projects; and he indicated that he had transmitted his objections to the Commission in writing.

Donald Cook, Attorney for the owner of property at 977 Green Street, stated that his client had three basic concerns about the proposed project. The first concern was that the Green Street building would create a "tunnel effect" on the front entrance of the building at 977 Green Street. The second concern related to the elimination of a walkway on Green Street. The walkway had been eliminated in part, when the Summit Apartment Building was constructed; and his client was concerned about access to his property from Green Street in case of a fire. The third and most serious concern was that excavation for the garage beneath the Green Street building might result in damage to his client's property. He advised the Commission that his client's building had suffered serious structural problems when the Summit Apartment Building was being constructed. Five or six years of litigation had ensued; and his client had finally won a \$75,000 award. Mr. Cook stated that the applicant had been willing to work with him and his client in order to find solutions for the problems which had been mentioned; and, in view of the fact that the applicant had retained a soil and structural engineer, he hoped that information relating to the method of excavation to be used on the property would be available in the near future. In conclusion, he stated that his client had no other objections to the proposed project. He then introduced Donald Crosby, an architect.

Mr. Crosby referred to sketches to describe how the property at 977 Green Street might be affected by the proposed excavation of the subject property. He felt that a complete structural and soil study would protect both the applicant and the owner of the property at 977 Green Street; and he felt that his client should be completely informed as to the type of excavation to be undertaken and the phasing of construction on the subject property. Finally, he requested that the applicant be required to post a performance bond which would insure that his client would be recompensed for any damage which might occur to his property.

Kim Clark stated that he represented two residents of the subject neighborhood who were in favor of the proposed project. He remarked that the applicant had given a great deal of attention to the architectural detail of the proposed project; and, in his opinion, the proposed project could be regarded as a gift to the neighborhood. Under R-4 zoning standards, a total of 149 dwelling units would be allowed on the subject property if that many units could be designed under a 40 feet height limit; and, if the Interim Residential Zoning restrictions are not formally adopted, the subject property will revert to its former R-4 classification.

Mr. Livermore stated that the subject property is owned jointly by a number of residents of the subject neighborhood; and other residents of the area had been involved in the effort to reduce the zoning density of the neighborhood. He indicated that he would continue to welcome advice or even financial help from residents of the area. Plans for the proposed project had been improved along the way; and he was hopeful that there could be further improvements in the next few weeks. When the Commission is finally prepared to act on the subject applications, he hoped that the Commission would recognize the proposed project as the best possible type of project for the subject property.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the subject applications be continued until the meeting of June 9, 1977.

PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR MT. ZION HOSPITAL,
1600 DIVISADERO STREET, INCLUDING THE ENTIRE BLOCK BOUNDED BY
DIVISADERO, SUTTER, SCOTT, AND POST STREETS.

Wayne Rieke, Planner IV (Zoning), summarized a memorandum dated May 12, 1977, which read as follows:

"The institutional master plan ordinance was adopted almost a year ago in order to provide a forum in which the focus would be the weighing of the adverse effects of an institution's growing into neighboring properties against the positive effects of service provided and jobs created by the institution. This memo will state concerns raised by programs proposed in the Mount Zion Master Plan.

"Before stating concerns, however, I want to state that the institutional master plan process is working with positive results. Mount Zion submitted a master plan by the deadline imposed in the ordinance. That plan was reviewed in the Department of City Planning. After a discussion between Department staff members and the Consultant, a decision was made to completely rewrite the master plan to make it as informative and as concise as possible. Since that decision was made, the consultant has worked diligently to secure additional information requested by the Department and to communicate staff concerns to the hospital.

"We were particularly pleased to learn last week that a dialogue has been initiated between hospital representatives and concerned neighborhood groups. We understand that some agreements have already been reached.

"Mount Zion Hospital has grown from a 134 bed hospital when first opened in 1912 at the corner of Post and Scott Streets in the present facility of 460 beds (technically licensed for more than 500 beds) which has a vast array of out-patient and ancillary facilities. This

growth has encouraged a similar growth of doctors offices and private clinics in the neighborhood. Mount Zion's growth into its present status as one of the City's leading medical centers has radically changed the neighborhood. Many residential buildings as well as commercial buildings were removed in the process.

"Mount Zion has a certificate of need from the State of California approving eight replacement or remodeling projects comprising most of the new work described in the present master plan. The certificate was granted January 4, 1977 and will expire in eighteen months unless work is started and diligently pursued. The construction schedule in the master plan calls for start of construction in June of 1977 and completion in May of 1980.

"The institutional master plan ordinance calls for 'plans of the institution for a future period of not less than ten years'. Mount Zion's plan appears to include only a short term plan. Definite longer range plans have not been described; however indicates that Mount Zion Hospital, Children's Hospital and Pacific Medical Center are discussing the possibility of merger or other affiliations which would presumably benefit all three hospitals and the community. These discussions account, in part, for the short term nature of the present Mount Zion's master plan.

"Although the master plan states that the development now proposed consists primarily of renovating the existing plant, the number of properties purchased by the hospital in recent years and the location of these properties outside the original hospital block makes one wonder if expansion into new land area will be controlled or if we may expect expansion of the medical center site to continue. Property in five Assessor's Blocks adjacent to the one occupied by the main hospital buildings has been acquired.

"Planning Code Procedures: The following requirements will have to be satisfied before approvals can be given to specific projects listed in the plan:

"The proposed physicians parking lot can be approved only if authorized as a conditional use, and the hearing for such a conditional use cannot be held until after October 12, 1977 (six months from the master plan hearing).

"The seventh floor proposed on Building 'A' will also require a conditional use review because it exceeds bulk limits specified in Article 2.5 of the City Planning Code. Because the requirement for conditional use review of bulk limits occurs in Article 2.5 rather than Article 2, it may be possible to hear this application without waiting the six months required for conditional use applications required under Article 2.

"If the I (Institutional) district remains in the zoning regulations initiated by the Planning Commission on May 20, 1976 pursuant to the Residential Zoning Study, additional conditional use or discretionary review proceedings will be required before the crisis clinic or the general services building on Divisadero Street can be approved.

"Before any new buildings or expansion of existing buildings can be approved, a determination will have to be made as to whether sufficient off-street parking is provided for each of the individual projects. While the amount of parking could cause neighborhood, employees and patient concerns, it appears that the minimum Planning Code requirements probably will be satisfied.

"Planning Concerns: Traffic, transportation and parking considerations are discussed in the master plan. Additional information submitted to the department by the hospital, and critical review of that information by the transportation section of the Department provides a promise of eventually resolving at least a part of the problem represented by the ever changing role of the automobile as a part of the transportation system.

"The most serious problem with projects proposed in Mount Zion's plan have occurred and are now proposed for the block east of Scott Street between Post and Sutter Streets. Although this block is entirely in a residential zoning district, residential buildings have been converted to office use in conflict with the City's master plan. Six residential units in adjacent Victorian type buildings were razed within the past eight months in preparation for the expansion of surface parking lots.

"Although Mount Zion Hospital appears to be making steady progress toward meeting the need to renovate its facilities without undue strain on the neighborhood, the Department recommends that the administration of Mount Zion Hospital investigate the following recommendations and be prepared to discuss why the hospital can or cannot follow them the next time the hospital appears before the Planning Commission for a conditional use hearing.

- "1. It is recommended that Mount Zion examine its need for acquisition of property with the purpose of setting definite limits on the extent of its acquisition of additional land. Consolidation and confinement of hospital activities to a relatively compact campus would benefit the hospital by increasing the chance for good communication and would benefit neighbors to Mount Zion's plans. Acquisition of residential property should be avoided.
- "2. Plans should be made to return residentially zoned property to residential use within the foreseeable future.

- "3. The problem of Mount Zion's employees driving to work and using the scarce parking spaces in the vicinity of the hospital is documented in a traffic survey done by the hospital and in an analysis of that survey by the Department of City Planning. Recommendations presented as a part of the department's analysis should be followed to encourage employees to use public transit, to reduce the number of cars brought into the vicinity of the hospital, to make better use of existing parking spaces and to provide a parking garage which, if properly designed and located, would make much better use of scarce land than would open lots existing and proposed.
- "4. The future use of Building 'C', now being vacated of patient services, is not at all clear from statements in the master plan. Because Building 'C' is within the main hospital block and directly accessible to Building 'A', its future use is especially important. In fact, the site may turn out to be more important than the building. Serious study should be given to the proper use of the site."

Mr. Rieke also submitted written comments which had been prepared by the Transportation Section of the Department of City Planning which focused on three primary areas as follows: 1) Mt. Zion Employee Transportation Survey, 2) the proposed expansion of the physician's parking lot in Block 681 and 3) Mt. Zion's proposed Action Plan.

William Gurtner, Executive Director of Mt. Zion Hospital, read and submitted the following statement:

"The Mount Zion master plan as presented represents the culmination of work and study that began in the early 1960's. Mount Zion, in reviewing its future has been faced with a series of compromises resulting from the impact of State and Federal regulations in the areas of building, safety and earthquake standards - versus the ability to continue to finance our needs. This plan represents a significant reduction in our license capacity from 593 inpatient beds to a capacity of 460 inpatient beds.

"The need for Mount Zion to continue to consolidate its activities is well recognized and, in fact, is a basic tenant of our planning efforts. The entire thrust of our program is directed towards the improvement, renovation and upgrading of the ancillary services essential for the support of our acute and ambulatory services. It should be pointed out that Mount Zion Hospital and Medical Center, has, and continues to provide a significant number of high quality services to its patients and physicians. If Mount Zion is to remain the high quality medical center it has become, the changes represented in the master plan must occur.

"In our discussions with various community groups concerning our master plan, questions have been raised specifically concerning the two projects external to our primary block. We have agreed to modify our Master Plan in order to respond to their concerns. The first area of concern expressed surrounded the use of Lot numbers 29A, 29B and 38 (Block 681) for the purpose of physician staff parking. Mount Zion will retain the small house in Lot #40. It will be upgraded and used for hospital staff functions. We further recognize that the conversion of these lots in a residentially zoned area to parking space which is at present desperately needed for physician staff parking is, at best, an interim solution. We have tried for many years to develop a multi-deck parking structure across Divisadero which would provide a far more appropriate long term solution. It remains our intention to continue to seek funding for such a project.

"We will work with interested groups in the design and landscaping of the proposed surface parking area and will seek their input in planning for the ultimate use of this space.

"Another issue raised was the eventual return of the Crisis Clinic service, which is being relocated to Lot number 30 (Block 1076) to the main Mount Zion structure. Mount Zion Hospital and Medical Center reaffirms the desirability of placing the crisis service in close proximity to the Emergency Room and our intention of returning that service to the main hospital as soon as possible. This has been confirmed in the written agreement with Westside under which the original decision to relocate the service was approved.

"I should also comment on the absence from the Master Plan of projected uses for the space in the 'C' Building. Mr. Friedman will comment more completely from an architectural point of view but I will take a moment to comment from the less technical perspective. The hope is that this space can be used to consolidate those management services which are presently located in several buildings across the street from the hospital on Scott Street and Post Street. The problem is that the State has taken the position that this space is unusable, in that it does not meet standards for patient care services and, because of its direct connection to the main hospital, cannot be used for anything else -- even though it could meet code for uses other than patient care services. We are hopeful that we will be able to negotiate with the State in order that the space can be utilized for non-patient activity.

"we also recognize the necessity of improving the parking and/or utilization of mass transit by our employees. We are working on plans now to provide remote parking in existing parking facilities that are presently under utilized for those employees who can develop car pooling efforts. We are also exploring the possibility of providing shuttle

services for our employees from mass transit stops such as BART and the Ferry. All of these efforts will be geared to the reduction of the street parking congestion now present in our neighborhood.

"In closing, I wish to comment briefly upon the discussions now taking place between Mount Zion Hospital and Medical Center, Children's Hospital of San Francisco and Pacific Medical Center. These discussions have developed as a result of serious concerns on the part of the three institutions surrounding the need to cooperate and share in order that the citizens of San Francisco may benefit from a greater degree of cooperation among institutions. It is clear that should such discussions culminate in a significant organizational change between the three institutions, the master plans of all three would be subject to revision. In any event we must update our plans every two years. I must stress that Mount Zion Hospital and Medical Center is proposing in its master plan, items of an immediate and critical nature which must be done in order to maintain our institution, at the same time recognizing the need to consolidate our activities and limit our future programatic and physical growth. Our proposals are not expansive, but rather, I believe, realistically modest - recognizing the constraints of space, money, community interest and the absolute necessity of planning our future responsibility in such a way as to meet the needs of our patients, physicians and employees who are the major communities we serve."

Commissioner Dearman, noting that Mr. Gurtner had stated that the hospital is working on plans to provide remote parking in existing parking facilities which are under-utilized, asked where the remote parking facilities would be located. Mr. Gurtner replied that the hospital is exploring the possibility of using parking lots at churches and similar facilities.

Commissioner Starbuck, noting that approximately 75% of the employees of the hospital are residents of San Francisco, asked if there were an explanation for the fact that 50% of the staff drive automobiles to and from work while only 15% use public transit. Mr. Gurtner replied that the location of the hospital, coupled with the fact that many of the employees work at night, might explain the employees' reluctance to use public transportation. It was for that reason that the hospital was exploring the possibility of providing shuttle service from mass transit stops to the hospital. He remarked that physicians that need to come and go quickly and cannot rely on mass transit.

Howard Friedman, architect for Mt. Zion Hospital, described the buildings owned by the hospital and the manner in which the buildings will be used in the future. He indicated that the hospital had concentrated on beds, services, and new programs, many of which were innovative, from 1948 to 1966. In 1966, it became apparent that something needed to be done about support facilities such as storage, supplies, and dietary services. As a result, a master plan was prepared

at that time; and, although eleven years had passed, the needs of the hospital remain the same. Under the circumstances, he disagreed with the assessment made by the staff of the Department of City Planning that the master plan which had been submitted was only a short-term plan. He advised the Commission that the State regards the original hospital building which was built in 1912 to be suspect in relation to conformity to seismic requirements. The hospital had hoped to relocate the beds in that building by adding additional floors to newer buildings in the complex. On three occasions, the hospital had come close to obtaining funds for the new construction from the State, but had finally failed on each occasion. In 1972, the hospital decided to try to fund the new construction itself; but changes in the Hospital Seismic Safety Law in 1975 precluded the hospital from adding any additional floors to the newer buildings. Finally, in 1975, the hospital had decided to purchase Unity Hospital and to appeal to the State for permission to construct one additional floor on Building "A" which was constructed in 1949 with an additional floor being added in 1958. That approach would allow relocation of the inpatient services presently housed in the building constructed in 1912. He advised the Commission that it would still take at least five years to implement the basic program of the hospital's master plan; and he expected that the Master Plan would continue to be valid for at least five years beyond that point.

Commissioner Dearman asked what will eventually happen to the building which was constructed in 1912. Mr. Friedman replied that the State would no longer allow the building to be used for inpatient care; and the State would not commit itself to allowing use of the building for ancillary facilities until inpatient services are properly relocated.

Kip Hillan, Chairman of the Western Addition Neighborhood Association, read and submitted the following prepared statement:

"Western Addition Neighborhood Association, (W.A.N.A.) does not view this 'proposed Master Plan' as a master plan at all. It appears to us at this time to be no more than a request for temporary use of several residentially zoned lots in assessor's block 681 for parking for automobiles belonging to the Mt. Zion staff. We suspect that the true long-term plan is to, at a later date, request that the Planning Commission rezone block 681 to allow the construction of a major hospital building similar to the building on the Post Street side of this block 681 know as Post Street Convalescent Hospital.

"Mount Zion Hospital has bought up piecemeal most of the individual lots in the West end of the block 681 over several years. It is doubtful that this policy was pursued for the purpose of staff parking. We have always assumed that one day an attempt will be made to rezone and construct a massive hospital building. We became even more convinced of this in 1976 when the Hospital paid Angelo Sangiacomo, a notorious slumlord, \$80,000 each for two vacant lots (lots 29A and 29B) on the 2200 block of Sutter St. After being held for almost two decades for 'speculation' the flats owned by Sangiacomo were firebombed on Christmas

night, 1975. Two buildings, three flats each, full of families of low income were burned out that Christmas night. These buildings had been condemned for many years, and were badly in need of restoration.

"A third and adjacent Victorian (lot 38) had a roof fire in the spring of 1972. It was then bought by Mt. Zion Hospital. On July 6, 1972 this building was also condemned. It stood vacant collecting garbage, rodents, and it burned frequently until it was demolished in 1976.

"These three buildings could have all been restored before the series of fires which had kept all of the neighbors in a constant state of fear and near panic. These three buildings are included in the famous book of San Francisco architecture, Here Today which called this row of Victorians 'one of the finest examples of Italianate stick Victorians in existence.' We neighbors have now restored the rest of what speculators have not destroyed. We oppose the destruction of any more buildings in this residential block.

"All of the above is a matter of public record, most of it is affirmed in the enclosures we now submit to the Planning Commission. In presenting this plan to the area residents at a luncheon recently, Mr. Friedman acknowledged that 'perhaps all that the hospital has done in the past were not of the highest moral action'. We concur and add that this is an understatement. For example, the vacant lots proposed here for parking instead of housing have been permitted to collect much debris and tall weeds, and not having been fenced in, easy access permitted a murderer to kill my neighbor, Mrs. Gross in her sleep last January in the building immediately west of these vacant lots.

"In conclusion, Western Addition Neighborhood Association will not oppose TEMPORARY use of the already vacant lots in block 681 providing that:

- 1) no further destruction of buildings in block 681 occurs, including lot #40
- 2) it is understood and agreed that this land will be used only for residential construction in the future
- 3) attractive landscaping is installed at once to conceal all fencing and vehicles parked on this land

We are not opposed to buildings of residential construction used for office space as some Mt. Zion buildings on Scott Street are used for. We are opposed to the destruction of the architecture and the POTENTIAL residential use."

At this point in the proceedings, Commissioner Dearman absented herself from the meeting room for the remainder of the meeting.

William D. Pierce, Executive Director of the West-Side Community Mental Health Center Inc., read and submitted a letter which read as follows:

"The Westside Community Mental Health Center, Inc. is submitting this letter in support of Mt. Zion Hospital and Medical Center's plans to provide new and adequate space for the Westside Crisis Clinic.

"Westside Community Mental Health Center is responsible for the provision of mental health services to all residents of Health District No. 2. Since 1969, Westside has subcontracted with Mt. Zion Hospital for the provision of 24-Hour Psychiatric Emergency Services (the Westside Crisis Clinic). The Crisis Clinic services at Mt. Zion include the 24-hour Psychiatric Emergency Service, the Westside Home Visiting Service, and the Westside Family and Child Crisis Service. The provision of quality emergency and crisis services is essential to comprehensive service delivery within the Westside catchment area. For several years Westside and Mt. Zion have been concerned about the inadequate space in which the Westside Crisis Clinic must operate. This serious concern can no longer remain unresolved.

"At the December 2, 1976, Board of Directors Meeting of the Westside Community Mental Health Center, Inc., several mandates were adopted by the Board. In summary, the Board of Directors gave support to the Crisis Clinic services being maintained at Mt. Zion Hospital. In addition, the Board went on record as supporting locating the Westside Crisis Clinic in permanent, adequate space adjacent to the emergency room services within Mt. Zion Hospital, as soon as possible. The Board further supported Mt. Zion's plan to construct modular units to house the Crisis Clinic services until permanent space within the hospital has been developed. The Board further mandated that Mt. Zion Hospital and Medical Center present an acceptable plan for the return of the Crisis Clinic space to appropriate and adequate space within the hospital by June, 1978. If an acceptable plan is not presented to the Board, the Westside Board of Directors would consider the viability of continuing to subcontract for Westside services with Mt. Zion Hospital and Medical Center.

"These points are raised for your attention, in order for the Commission to comprehend the sense of urgency that underlies Westside's support of Mt. Zion Hospital. As stated earlier, Westside Community Mental Health Center has had a subcontractual relationship with Mt. Zion Hospital and Medical Center since 1969. It is the intent of Westside and Mt. Zion to continue this relationship in the joint effort to provide quality mental health services to residents of Health District No. 2. In order for this commitment for quality services to be kept in the community, it is absolutely essential that appropriate and adequate space be made available for Westside Crisis Clinic services.

"Your attention and support of our concern is greatly appreciated."

Commissioner Bierman remarked that the Master Plan contains maps which indicate that there are residential uses in Block 1051; however, she was not

aware of any residential occupancy in that block. She suggested that a more accurate survey should be taken and that the maps should be updated if necessary. She also felt that it was misleading to have property occupied by a library colored green, designating park and recreation use.

Mr. Passmore stated that the property occupied by the library is zoned for open space use with the intent of indicating that no further construction should take place on that property.

Commissioner Bierman then asked if a property occupied by a tennis club could properly be considered as an open space use. Mr. Passmore replied that the tennis club is designated as a recreation use.

Commissioner Bierman then observed that relocation of activities from the building constructed in 1912 would involve construction of a building on a portion of open space on the block where the principal buildings of Mt. Zion Hospital are located; and she felt that it would be regrettable to lose that open space which had always seemed to her to be one of more positive aspects of the Mt. Zion complex.

Mr. Friedman stated that a smaller building would be constructed on the open space to accommodate a new admission office.

Rai Y. Okamoto, Director of Planning, noted that the staff had taken the position that the Master Plan for Mt. Zion Hospital seemed to be short-range in nature; and one reason for that response was that many of the uses identified in the Master Plan were identified as short-term uses with no indication being given of how the properties involved would be used in the future. He also indicated that the staff was concerned about the status of the Victorian building owned by Mt. Zion Hospital on Sutter Street. While some of the buildings may not be in good condition, he believed that they could be improved; and there was concern about the possibility that Mt. Zion Hospital might wish to raze the buildings and use the properties for parking. He felt that the hospital should provide estimates of when particular elements of the Master Plan are to be implemented so that residents of the neighborhood will know when the proposed changes are likely to occur.

Jonathan Twichell, Transit Planner III, stated that the Transportation Section of the Department of City Planning had had discussions with Mt. Zion Hospital in which the hospital had agreed to experiment with car pools, van pools, and other methods of decreasing traffic congestion in the area; and he remarked that the staff and the Commission would have an opportunity to see how effective those experiments have been when the Mt. Zion Hospital Master Plan is scheduled for review again in two years.

Mr. Passmore stated that the Master Plan and the comments which had been made during the course of the public hearing would be incorporated into a single document which will be available to the public for review. In addition,

certain proposals made by the hospital would have to come before the Commission for conditional use authorization or for discretionary review. Although most of the properties owned by Mt. Zion Hospital are zoned for commercial use, they have been initiated for rezoning to an institutional district by the Commission under the Interim Residential Zoning Controls. This rezoning proposal may be modified when the Commission takes final action on these controls.

DR77.34 - CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7703617 FOR CONVERSION OF AN EXISTING STRUCTURE AT THE NORTHEAST CORNER OF IRVING STREET AND 9TH AVENUE FOR USE AS A SAVINGS AND LOAN OFFICE.

Robert Passmore, Planner V (Zoning), stated that the request for discretionary review had been made by the Inner Sunset Merchants Association. That association was requesting the discretionary review because the intersection at which the proposed Savings and Loan Office be located already has three branch bank or savings and loan offices in the immediate vicinity; and, as a result, the proposed facility would be in conflict with the Guidelines for Branch Bank and Savings and Loan Offices adopted by the Commission under Resolution No. 7422. The recommendation of the staff was that the request for discretionary review be granted and that the discretionary review be held on May 26th.

President Lau explained that it has been the policy of the Commission to grant requests for discretionary review whenever there has been public controversy over a project or whenever the staff of the Department of City Planning has felt that there were significant reasons for granting the request. However, the granting of a request for discretionary review would not mean that the Commission was favoring either the opponents or the proponents of the proposed project.

After further discussion it was moved by Commissioner Starbuck, seconded by Commissioner Bierman and carried unanimously that the request for discretionary review be granted and that the discretionary review be scheduled for the meeting of May 26, 1977.

CU77.18 - 350 GUTTENBERG STREET, WEST LINE, 158 FEET NORTH OF BELLEVUE
RS77.16 STREET.

REQUEST FOR AUTHORIZATION TO SUBDIVIDE FOUR EXISTING LOTS INTO EIGHT LOTS HAVING LESSER WIDTH AND AREA THAN THAT REQUIRED BY NEW SUBDIVISIONS; IN AN R-1 AND PROPOSED RH-1 DISTRICT. (EE76.87) (UNDER ADVISEMENT FROM MEETING OF MAY 5, 1977.)

Robert Passmore, Planner V (Zoning), stated that the subject property is in an irregular parcel containing 41,866 square feet or .9611 acres of lot area with a frontage of approximately 168 feet on Guttenberg Street and a depth of 360 feet. Forty-one percent of the property is located in Daly City and the remainder is located in San Francisco. The property in San Francisco is in an R-1 and proposed RH-1 district and is subject to a 40-X height and bulk district. The parcel is

presently occupied by two cottages and two shed structures with four eucalyptus trees and wild grass and bushes. The applicant proposed to create eight new lots, each fronting on a new private street to be known as Lincoln Court, a cul de sac with a 60-foot turn-around diameter. The lots would have widths ranging from 25 to 34 feet; and the lots would have areas ranging from 2,500 to 3,041 square feet. The applicant had indicated that he intends to purchase five existing single-family houses which are located four blocks away in Daly City and to move them onto the new lots. The City Planning Code requires that conditional use authorization be granted by the Commission for subdivisions which involve lots having widths less than 33 feet or with areas less than 2,640 square feet. The matter had also been brought before the Commission for review as to its consistency with the Master Plan as required by the Subdivision Code.

No one was present to address the Commission on this matter.

Mr. Passmore recommended that the conditional use application be approved subject to five specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7727 and that the conditional use application be approved subject to the conditions which had been recommended by Mr. Passmore.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7728 be adopted finding that the proposed subdivision is consistent with the Master Plan providing that the applicant shall conform to all of the conditions included in Resolution No. 7727 which had just been adopted.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



AUG 31 1977

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Minutes of the Regular Meeting held Thursday, May 19, 1977.

The City Planning Commission met pursuant to notice on Thursday, May 19, 1977, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Susan J. Bierman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Lucian Blazej, Planner IV; Charles Gill, City Planning Coordinator; Moira So, City Planning Coordinator; Carrol Browning, City Planning Coordinator; Nathaniel Taylor, Planner III; Patricia Salinas, Staff Assistant III; William Ward, Neighborhood Initiated Improvement Program Coordinator; Jon Pon, Staff Assistant III; Xandra Malandra, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the minutes of the meeting of April 21, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, distributed copies of a summary chronology of events relating to the proposed Four Embaradero Center project and the involvement of the Department of City Planning and the City Planning Commission. He indicated that further meetings have been held since the memorandum was prepared and that communication has been established with the developers. The memorandum is available in the files of the Department of City Planning.

The Director distributed copies of a summary of work program highlights for the month ending May 16, 1977, for the Plans and Programs Division of the Department of City Planning.

The Director reported that Edward I. Murphy, Assistant Director of Planning, has returned to the hospital for further tests.

The Director noted that the Commission had received a letter from the President of the Buena Vista Neighborhood Association which read as follows:

"On behalf of our association and the Duboce Triangle Neighborhood Association, I would like to request postponement of the continued environmental hearing for the Ralph K. Davies Medical Center expansion project from June 2 to June 9, or any subsequent date soon thereafter.

"For us the June 2 date, which was set without consulting any neighborhood groups interested in the project, poses some real inconveniences. It makes it difficult for us to pursue our usual community organizational work in preparation for such a meeting because the Memorial Day weekend falls immediately before June 2. We have found from experience that the weekend ahead of a meeting is the best and most effective time for leafletting and otherwise notifying people of a public hearing. I think you can understand that we might have problems assembling people for those activities and that many of the neighborhood residents we would like to reach probably will be away over Memorial Day.

"Therefore, we hope that you will consider our desire for at least a one week delay a reasonable one.

"P.S. We also do not think the environmental hearing should be closed until all pertinent material has undergone public review. We understand that the West Bay Community Health Services Agency will be asked to review the project justification information supplied by Ralph K. Davies. If that is to occur--a move we would heartily endorse--then the hearing should certainly be kept open until the West Bay Agency's response is formally considered. Otherwise, neighborhood groups will be foreclosed from have a full role in the vital environmental review process."

The Director stated that the hearing has been scheduled for June 2, and, in earlier discussions with neighborhood representatives, the staff had proposed that the hearing proceed as scheduled unless the Comments and Response Section of the Draft Environmental Impact Report were not available in sufficient time to allow the public to have ten working days to review that document. He indicated that that document had been mailed to interested parties in sufficient time to allow ten working days for review in advance of the June 2 hearing; and the calendar for the June 9 meeting is already quite crowded. For those reasons, he recommended that the public hearing be held as scheduled on June 2.

Commissioner Dearman asked if comments from the West Bay Community Health Systems Agency will be available on June 2. The Director replied in the negative, indicating that the Commission will have to determine whether it wishes to delay certification of the Environmental Impact Report until those comments have been received. At the conclusion of the public hearing on June 2, the Commission would also have the option to decide whether the public hearing should be closed or if it should be continued to another date.

After discussion, President Lau announced that it was the general consensus of the Commission that the hearing should proceed as scheduled on June 2.

Robert Passmore, Planner V (Zoning), reported that the Board of Permit Appeals, meeting on the previous evening, had disapproved building permit applications for three single-family houses on Elsie Street. Those applications had been approved by the City Planning Commission subject to conditions; however, the Commission's decision was appealed to the Board of Permit Appeals.

The Director reminded the Commission that the official public hearing on the proposal to designate Bayview North as a Rehabilitation Assistance Program (RAP) area will be held on Saturday, May 21, from 1:00 p.m. to 4:00 p.m. at the Joseph Lee Recreation Center.

The Director advised the Commission that public hearings on the proposed 1978 Community Development Program will be held next Tuesday and Thursday evenings, May 24 and 26, at 7:30 p.m. in the Chambers of the Board of Supervisors. The hearings are being conducted by the Mayor; but members of the staff of the Department of City Planning will be present to hear the testimony.

The Director reported that the Chief Administrative Officer had agreed to provide funds for the hiring of a professional planner and a clerical person to work on the draft Environmental Impact Report for the Yerba Buena Center project.

The Director indicated that he had attended a meeting in the Mayor's Office with the sponsors of the Performing Arts Center to clarify the present status of that project before the Commission.

The Director informed the Commission that the staff of the Department of City Planning intends to present its recommendations for changes in the Interim Residential Zoning Controls in late July or early August. Public hearings on the revised proposals will be scheduled in the fall.

The Director reported that he had met with representatives of the City Attorney's Office to discuss using their Wang Word Processing Machine to help reduce the Department of City Planning's enforcement case load. R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), indicated that the enforcement section of the Department now has a backlog of 1,000 cases.

The Director advised the Commission that the Planning, Housing, and Development Committee of the Board of Supervisors, meeting on Tuesday, had continued its hearing on the revised proposal for controlling the location of adult bookstores and adult theaters. The staff of the Department of City Planning had been requested to provide the Committee with certain mapping information.

Commissioner Rosenblatt stated that he had been advised that the Public Utilities Commission, seeking to acquire property at Fisherman's Wharf from the Port Commission to be used as the site of the new turntable for the extended Powell Street cable car line, had found that the Port is expecting to be reimbursed at

an amount based on the value which the property would have if it were fully developed within the 40-foot height limit. The property is now being used as an open parking lot; and, in spite of the zoning of the property, the Master Plan would not permit the type of development on which the Port is basing its valuation of the property. He requested the Director to send a letter to the members of the Port Commission and the Port Director to point out the Master Plan's criteria for the property.

Commissioner Starbuck, noting that the Transportation Section of the Department of City Planning is undertaking a transportation circulation study involving downtown and the Northern Waterfront, asked that the study give priority to re-evaluation policies relating to garages in the downtown core area.

Commissioner Starbuck requested that a member of the staff of the Department of City Planning be assigned to evaluate the recent proposals of the Golden Gate National Recreation Area as they relate to properties in San Francisco prior to the time that public hearings are scheduled on the proposal.

STATUS REPORT ON NEIGHBORHOOD INITIATED IMPROVEMENT PROGRAM

William Ward, Neighborhood Initiated Improvement Program Coordinator, submitted and summarized a memorandum on the subject which read as follows:

"The Neighborhood Initiated Improvement Program (NIIP), established in 1975 as part of the City's Annual Community Development Program, is now entering into its third year of project evaluation and selection. The program's purpose is to assist neighborhood organizations wishing to undertake small scale physical improvements in their communities such as the addition of play structures, street trees, murals and community gardens, replacement of litter receptacles and benches on publicly owned property.

"The Department of City Planning, as part of its work program for the Plans and Programs Division, is responsible for NIIP program administration and coordination. This responsibility includes these specific work activities: attending community meetings to explain the intent and purpose of the program, assisting in the determination of improvements which will be most beneficial to the community, obtaining approvals from public agencies, and providing technical and other such assistance as may be required for proposal development and approval.

"Since the program's inception, approximately \$735,000 has been allocated for improvement projects. More than 400 proposals were submitted by eighty neighborhood groups and individuals during the first two program years. Of these proposals, 159 were funded wholly or in part for a total of \$535,000. The balance of \$200,000 has been reserved for the 1977 program.

"Most of the projects funded under previous NIIP programs have resulted in highly visible and important improvements in many areas of the City. Over 1,200 street trees have been planted in various parts of the City, more than twenty play areas have been developed and community garden projects have been started on vacant City land. In other areas mural projects which reflect the cultural identity of the communities have been painted. Approximately 168 replacement litter receptacles and 37 benches are also being installed.

"Other proposals for the 1977 program have been submitted for a total funding request of \$400,000. These proposals are now being reviewed by the Department of City Planning and the Mayor's Office of Community Development. Other affected City Departments and Commissions will review proposals during the third and fourth weeks of May to confirm cost estimates and agency approval.

"The same general criteria used for previous programs will be used to evaluate the 1977 proposals.

1. The project principally serves the needs of low- to moderate-income population groups.
2. The project is on publically owned land and has the approval of the department or agency owning the land.
3. The project is an outdoor physical improvement.
4. The project benefits a broad section of the community and has wide citizen support.
5. The project has a significant effect toward improving neighborhood quality and examines the use of public land."

Mr. Ward also submitted a list of proposals which had been received from various districts as of May 3rd and the approximate amount of money involved for each district. He then responded to questions raised by members of the Commission.

STATUS REPORT ON NEIGHBORHOOD CENTERS PROGRAM

Carrol Williams Browning, City Planning Coordinator, advised the Commission that \$1,500,000 had been set aside to establish five neighborhood centers in the city. If the available funds were divided into five equal parts, only \$300,000 would be available for each of the centers; and facilities of the size being contemplated could not be developed with that little money in most of the target areas. The Chinese community has expressed interest in a building on Clay Street. However, that property would cost \$450,000 to acquire; and it needs \$750,000 worth of rehabilitation work. The possibility of joint uses had been explored; but no proposal had surfaced which would solve the financing problem. North of Market

residents had expressed interest in acquiring the Downtown Bowl; but that building would cost \$450,000 to purchase and \$600,000 to rehabilitate. The South of Market area is considering rehabilitating and adding a third floor to the Canon Kip Building; and it is possible that that project could be accomplished for \$300,000. Bernal Heights is lacking in service providers; and, although a concentrated recruitment effort had been undertaken, potential service providers were unwilling to commit themselves until they are certain that a building will be available. For the Ingleside/OMI Neighborhood Planning District, a building at 144 Broad Street had been selected; and it was estimated that approximately \$221,500 would cover the cost of acquiring and renovating that building. Since that project seemed to be the most feasible one being contemplated, she felt that it should be submitted to the Board of Supervisors so that the Board's commitment to the Neighborhood Centers Program can be ascertained.

President Lau asked if the possibility of a lease program had been investigated. Ms. Browning replied that some consideration had been given to a lease program. However, if the city were to spend \$300,000 for rehabilitation of leased space, it would require that the lease be guaranteed for a minimum period of 20 years; and most property owners would be reluctant to agree to such a leasing arrangement.

CONSIDERATION OF A DRAFT RESOLUTION WHICH WOULD AUTHORIZE THE DEPARTMENT OF CITY PLANNING TO ENTER INTO A CONTRACT WITH THE COMMUNITY DESIGN CENTER FOR CONSULTANT SERVICES IN SUPPORT OF COMMUNITY DEVELOPMENT PROGRAM PROJECTS.

Lucien Blazej, Planner IV, recommended that the Commission adopt the draft resolution which read as follows:

"WHEREAS, The 1977 Community Development Program allocated \$15,412 to be administered by the Department of City Planning for the provision of contracts for special technical assistance needs in support of the Community Development Program, that cannot be met by the staff of the Department of City Planning; and

"WHEREAS, Implementation responsibilities of certain aspects of approved Community Development programs such as Neighborhood Commercial Districts, Existing Neighborhood Centers, Child Care Facilities, Additional Neighborhood Centers, Neighborhood Initiated Improvement Program, Bicentennial Celebration, among others, are beyond the scope and staffing capability of the Department of City Planning; and

"WHEREAS, It has been determined that it is in the best interest of the City to employ the professional services of a contractor under the supervision and guidance of the Director of Planning and his staff; and

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"WHEREAS, It has been determined that it is in the best interest of the City to employ the professional services of the Community Design Center, University of California Extension, to provide architectural and planning services to individuals and community groups submitting proposals for, or receiving funds from, the Community Development Program; and

"WHEREAS, The Community Design Center, a not for profit organization has considerable experience in providing technical assistance to community groups on a voluntary basis, on projects related to the Community Development Program; and

"WHEREAS, Based on the commendable voluntary service provided to community groups in the past, particularly those of low and moderate income, extensive knowledge and sensitivity to community needs, proven ability to work effectively with diverse community groups, and not for profit status, the Department staff has recommended the hiring of the Community Design Center of San Francisco; and

"THEREFORE BE IT RESOLVED, That the Director of Planning be authorized to contract the services of the Community Design Center, University of California Extension, for the purpose of providing technical assistance in support of the Community Development Program."

Commissioner Starbuck inquired about the number of hours of work being contemplated. Mr. Blazej replied that the Community Design Center is a non-profit organization; and, as a result, the employees funded through the Comprehensive Employment and Training Act (CETA) may be assigned to the center. The total number of hours worked under the contract will depend upon the number of CETA employees who are so assigned.

Commissioner Rosenblatt suggested that the staff might wish to keep its options open if CETA employees are not available. Mr. Blazej replied that adoption of the draft resolution by the Commission would only authorize the Director of Planning to contract for the services of the Community Design Center and would not obligate him to enter such a contract.

Charles Turner, representing the Community Design Center, stated that the Center had worked on approximately 50 Community Development projects. While the center would like to continue to be involved in Community Development projects, there are other areas in which there is a greater need for the services of the center. Under the circumstances, he felt that it would be appropriate for the city to take some responsibility for funding the activities of the center as they relate to Community Development projects. He indicated that the center would not make any distinction between the CETA employees and their permanent and volunteer staff.

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Commissioner Dearman stated that she is associated with three organizations which have received assistance from the Community Design Center; and she indicated that she had developed a respect for the center as a result of those contacts. She moved that the draft resolution be adopted. The motion was seconded by Commissioner Elliott.

President Lau stated that he had also had contact with the Community Design Center on a number of projects; and he had found that the center works well with community representatives.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7729.

CONSIDERATION OF DRAFT RESOLUTIONS URGING THE SAN FRANCISCO REDEVELOPMENT AGENCY AND THE SAN FRANCISCO HOUSING AUTHORITY TO EXPEDITE SITE ACQUISITION FOR PUBLICLY ASSISTED HOUSING IN CHINATOWN.

Moir So, City Planning Coordinator, indicated that the 1972 San Francisco Chinatown and Recreation Program, prepared through a 701 Grant from the U.S. Department of Housing and Urban Development, established ten-year housing targets calling for development of 2,300 new units and 1,950 rehabilitated units of low- and moderate-income housing in the Chinatown area. Yet, to date, only 204 rehabilitated units have been completed and only 225 new units have been committed with Federal subsidies. In response to community requests, a total of 1.5 million dollars in Community Development funds have been appropriated by the Board of Supervisors in the 1975, 1976 and 1977 Community Development Programs for the acquisition of sites for publicly-assisted housing in Chinatown. The staff of the Department of City Planning, in consultation with the San Francisco Redevelopment Agency, the San Francisco Housing Authority, and the Chinatown Coalition for Better Housing, have identified a number of potential housing sites in Chinatown. However, acquisition and development of those properties would depend upon actions being taken by the Redevelopment Agency and the Housing Authority. Therefore, she recommended that the Commission adopt the two draft resolutions which had been prepared for its consideration. The first resolution contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission requests that the San Francisco Redevelopment Agency expedite actions of site acquisition in Chinatown and continue to work cooperatively with the Department of City Planning and the Chinatown Coalition for Better Housing in delineating a workable small-scale redevelopment project area and in formulating necessary plans;

"BE IT FURTHER RESOLVED, That the City Planning Commission requests that the San Francisco Redevelopment Agency and its staff explore further and establish feasible means for conducting small-scale redevelopment projects in Chinatown and other high-need neighborhoods in the city."

The second draft resolution contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission requests that the Commission of the Housing Authority support its staff to use the available local and federal resources expeditiously to acquire and develop lower income housing in Chinatown;

"BE IT FURTHER RESOLVED, That the City Planning Commission requests that the Commission of the Housing Authority direct its staff to work with staff of the Department of City Planning and related agencies to establish criteria for setting priorities in the use of available public housing modernization funds in the existing public housing projects, including those in the Chinatown area."

After discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the draft resolution addressed to the Redevelopment Agency be adopted as City Planning Commission Resolution No. 7730.

Subsequently, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the draft resolution addressed to the Housing Authority be adopted as City Planning Commission Resolution No. 7731.

PUBLIC HEARING ON HOUSING REHABILITATION FINANCE STUDY RECOMMENDATIONS
AND STAFF COMMENTS THEREON.

Nathaniel Taylor, Planner III, stated that the Rehabilitation Finance Study had been carried out for the Mayor's Office of Community Development through the direction of the Department of City Planning. Booz, Allen & Hamilton, consultants to the Department of City Planning, had prepared a final report which contained over 300 pages of discussion and recommendations on how the City could expand and improve its rehabilitation financing programs and administrative mechanisms. The staff of the Department of City Planning had condensed the consultants' final report into a more manageable summary, listing the consultants' recommendations and the staff's preliminary comments on each. He then reviewed the findings and recommendations. Mr. Taylor advised the Commission that some city agencies had not received copies of the staff summary until earlier in the week; and the Chief Administrative Officer had written a letter to the Commission requesting that the public hearing on the proposals be continued for 30 days to provide an opportunity for department heads under his jurisdiction to read and react to the staff report. Therefore, it was the staff recommendation that the matter be continued for 30 days at the conclusion of today's hearing.

President Lau, noting that the consultants had recommended that the city develop the capability of making non-binding inspections, remarked that he did not see how city building inspectors could fail to report violations which might come to their attention during the course of duty. Mr. Taylor acknowledged that there would be problems in implementing that recommendation; and he suggested that the city might have to contract with outside people who are not city employees to make the non-binding inspections.

Commissioner Starbuck asked how many city employees in various operating agencies are currently working in the area of housing. Mr. Taylor responded that well over 100 employees are working in that area.

Miriam Rokeach, representing the San Francisco Neighborhood Legal Defense Foundation, remarked that the consulting report divided the various neighborhoods of the city into four categories ranging from neighborhoods where there are no problems with the housing stock to neighborhoods where there is substantial deterioration. The Upper Ashbury district had been designated as a Category 2 neighborhood in which the housing is basically sound but where some rehabilitation is needed. The consultant report had further stated that concentrated code enforcement would be inappropriate in neighborhoods included in Category 2. In the light of that recommendation, and in view of the fact that the proposed Rehabilitation Assistance Program (RAP) in the Upper Ashbury district would cause people to be dislocated, she felt that it would be inappropriate to proceed with the proposed RAP program in that neighborhood. As an alternative, she felt that a phased program aimed at correction of life safety hazards should be considered. In commenting on the consultant report, the staff of the Department of City Planning had expressed the opinion that something must be done to minimize the impact of code enforcement on low-income tenants; and, if the city were to proceed with the RAP program in the Upper Ashbury district, she felt that several of the recommendations of the consultants should be applied to minimize the impact of the program on low-income tenants. The consultants called for limitations to be placed on allowable rent increases; but she did not understand how the city would be able to compute the base rent since rental data from the base period are not available. She also suggested that the RAP ordinance should be amended to make hardship loans more easily available. In that regard, she questioned why the Inner Richmond District had qualified for Neighborhood Preservation funds from the California Housing Finance Agency while such funds had not been made available to the Upper Ashbury program. The consultants had also recommended that the use of Marks-Foran tax exempt municipal revenue bonds be expanded and that the possibility of having the Housing Authority issue such bonds be explored; but she questioned whether the Housing Authority could legally assume that responsibility.

Mr. Taylor replied that the Housing Authority could legally issue Marks-Foran bonds. He stated that the staff of the Department of City Planning had submitted applications relating to five rehabilitation areas in the city, the three FACE areas and the two RAP areas to the California Housing Finance Agency; however, that agency had thus far issued tentative approval of Neighborhood Preservation Program funds for only the Inner Richmond area. He suggested that a representative of the Real Estate Department who was present in the audience should be called on to respond to the question regarding computation of base rental rates.

Anna Darden, President of the Haight-Ashbury Neighborhood Council, stated that she strongly supported the recommendation for non-binding building inspections. She used her own circumstances to explain why non-binding inspections would be desirable. She stated that she had purchased a condemned house in the Upper Ashbury District; and, while it would be helpful to know what improvements are

required by the Code, an official building inspection would carry with it the requirement that all work be completed within six months. She could not afford to do the work so quickly; and she believed that a lot of other people must be faced with a similar situation. As a result, she thought that the right to have an informational inspection would be desirable. If the City Attorney should determine that such an approach would not be legal under existing statutes, she indicated that she would be willing to support legislation which would legalize such a program. She noted that the consultants had recommended that a concentrated code enforcement program would be inappropriate in the Upper Ashbury district; and she indicated that some residents of the neighborhood were concerned about the impact of the program. As an alternative, she felt that the city should consider a city-wide voluntary code compliance program with low interest loans for one- and two-unit residential buildings. She also felt that the proposal for a phased code enforcement program, where the most serious violations would be given the greatest amount of attention, had merit. However, whatever programs may be used in the future, she felt that they should be approached on a city-wide basis and not on a neighborhood-by-neighborhood basis. She supported the consultants' proposal for more strict limitations on rent increases allowable when Marks-Foran loans are utilized; however, she did not understand how such limitations could practically be established or enforced. She supported the consultants' recommendation for increasing hardship loans from \$3500 to \$5000; and she suggested that consideration might be given to the desirability of allowing hardship loans to exceed the \$5000 limit when funds are needed to eliminate life safety hazards. She disagreed with the staff proposal that further review of the down payment assistance program is necessary. She indicated that she had helped draft an ordinance establishing such a program which was adopted by the Board of Supervisors; and she indicated that the Haight-Ashbury district has been chosen for a pilot program. She felt that the city should proceed with that program. She also disagreed with the staff comment to the effect that implementation of a phased approach to code enforcement would mean broadening the scope of the Abatement Appeals Board. In conclusion, she re-emphasized her opinion that the future code enforcement programs should be undertaken on a city-wide basis and not on a neighborhood-by-neighborhood basis. She did not understand how the city can determine that one neighborhood shall have a voluntary code enforcement program while another neighborhood must be subject to a mandatory code enforcement program. She felt that all neighborhoods should be treated equally.

Roger Bernhardt, Chairman of the Inner Richmond Citizens Advisory Committee for RAP, indicated that he intended to speak personally as a professor of law. He agreed with Ms. Darden that the limits for hardship loans should be increased. Furthermore, he did not feel that the availability of hardship loans should be limited to RAP areas. Whenever work is done on buildings, tenants inevitably pay for the work; and, as a result, greater availability of low-interest loans would benefit tenants. He also believed that hardship loans should ultimately be repaid whenever buildings which have been improved through the use of such loans are sold to new owners. He also felt that it would be a mistake to grant hardship loans to owners of buildings when it is the tenants of the buildings who are in difficult financial straits; in such circumstances, the hardship loans should be given to the tenants. He believed that RAP funds should be available for all areas of the

city and not just those areas which have been formally designated as RAP areas. He also felt that some guidelines should be established for control of rental rates after buildings have been rehabilitated. Under present circumstances, limitations can be established only when RAP loans are used; and he believed that many property owners might find it more economical to obtain customary loans so that they would not lose their discretion in establishing rental rates. He supported the recommendation for pre-sale inspections; and he suggested that the results of such inspections should be sent not only to tenants of the buildings involved but also to prospective lenders, especially if life safety hazards are involved. He believed that prospective lenders would be much more effective than the Bureau of Building Inspection and the City Attorney's Office in insuring that code violations are corrected. He was interested in the proposal for establishment of a housing court; he felt that the concept should be expanded into an owner-tenant court. He felt that it would be extremely important to establish a program for informal building inspections. He supported the proposal for a down-payment assistance program, but he felt that it should be operated on a city-wide basis and not limited to a single neighborhood. In conclusion, he suggested that the proposed financing advisory committee should include non-technical (citizen) representation.

Robert Amore, a member of the San Francisco Real Estate Board, stated that he had just received a copy of the staff summary and indicated that he would need additional time to consider the proposals in detail. He stated that he was heartily in favor of the proposal for pre-sale building inspections; however, he questioned the feasibility of administering the proposed program. He reported that 19,000 housing units were sold in San Francisco in 1976. Given that volume of turnover, he felt that it would be physically impossible for the eight new inspectors recommended by the consultants to inspect all units being sold during the course of a year; and he expected that delays would result which would drastically slow down sales. He advised the Commission that a bill (SB 330) has been approved by the State Senate which would establish a State-wide consumer protection program including requirements for pre-sale inspection of buildings to be sold. The real estate industry had supported that bill; and he did not feel that the city should initiate programs which would duplicate programs being operated at the State level. Furthermore, he noted that the Federal Department of Housing and Urban Development also has a consumer protection program; and he felt that the combined State and Federal programs would assure adequate protection for prospective buyers of residential buildings. He stated that the real estate industry would like to have further input into the proposals being considered by the Commission; and, for that reason, he was grateful that the Commission intended to continue its hearing for 30 days.

Michael McGill, representing the San Francisco Urban Research Association (SPUR), stated that he was impressed by the breadth and creativity of the consultants' report; and he indicated that his organization would prepare an analysis of the report within the next month. He urged the Commission to review the consultants' recommendations as quickly as possible and to make recommendations for implementation of certain of the proposals over the next year. He felt that the recommendations for establishment of an Office of Housing Finance and for the creation of a pre-sale inspection program were particularly important.

Wallace Wortman, Director of Property, expressed his appreciation to the Commission for agreeing to continue discussion of this matter for one month. He stated that the Real Estate Department has four loan officers and one clerk who work directly with the Bureau of Building Inspection in the Upper Ashbury and Inner Richmond RAP projects. The Real Estate Department has processed more than 1,200 loans in the past 12 years for a total value of \$6,600,000; and he felt that his department could offer serious input relating to the recommendations which had been made by the consultants. He indicated that he was particularly concerned about the possibility that the creation of the proposed new Office of Housing Finance might create serious conflicts.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the public hearing on this matter be continued until the meeting of June 16, 1977.

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



AUG 31 1977

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— CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, May 26, 1977.

The City Planning Commission met pursuant to notice on Thursday, May 26, 1977, at 12:30 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Susan J. Bierman, member of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Wayne Rieke, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Marie Zeller, Planner III; Douglas Holmen, Planner II; Nancy Gin, Planner II; Edward Green, Planner I; and Lynn E. Pio, Secretary.

Dan Borsuk represented the San Francisco Progress.

12:30 P.M. - FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:30 p.m. to take a field trip to properties scheduled for consideration during June.

2:15 P.M. - ROOM 282, CITY HALL

APPROVAL OF MINUTES

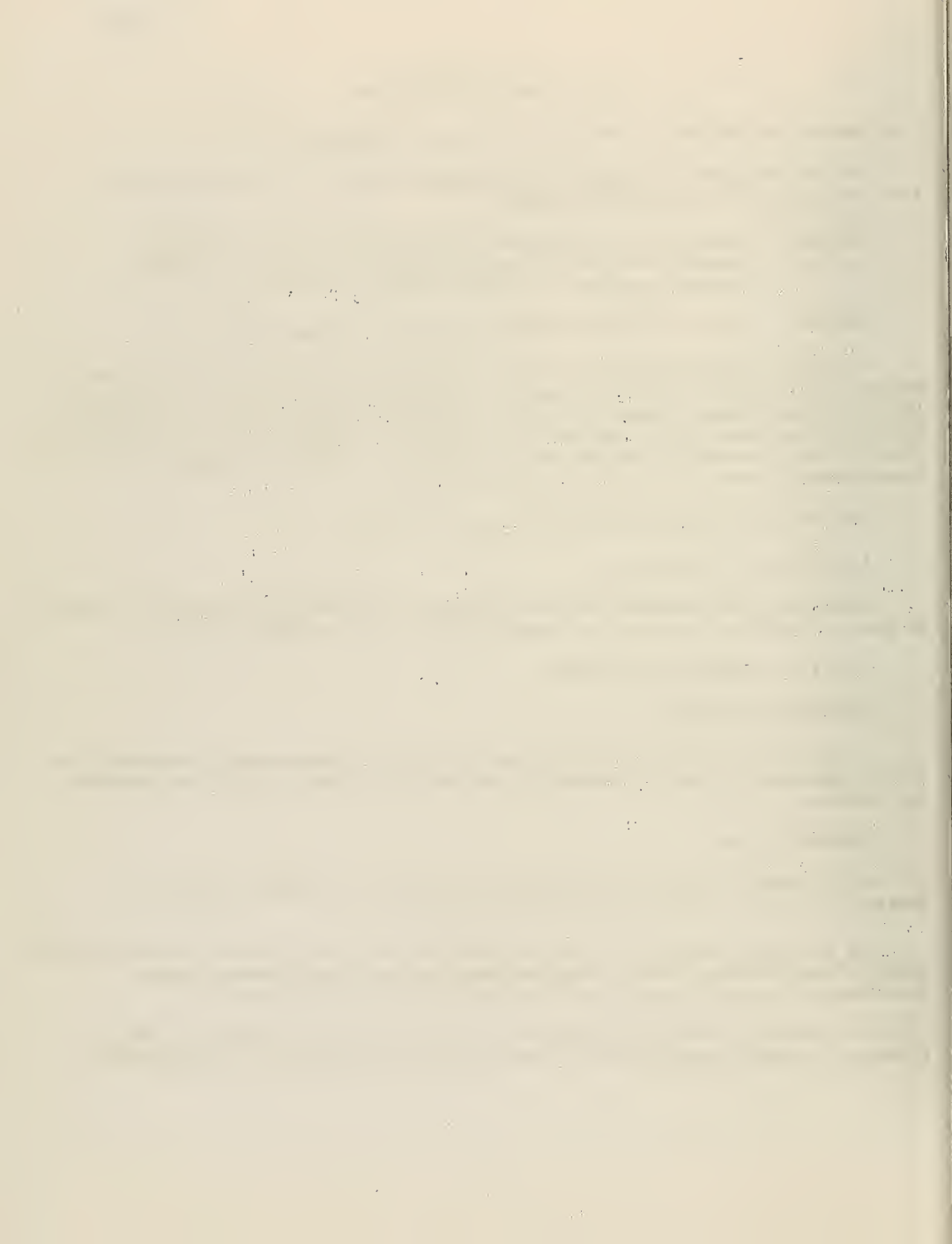
It was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the minutes of the meeting of April 7, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission that next Thursday's Regular Meeting will begin at 1:00 p.m.

The Director asked that the Ad Hoc Committee which had been set up to review the Housing Rehabilitation Finance Study recommendations (Commissioners Bierman, Rosenblatt, Starbuck) to meet next Thursday, June 2, at 11:00 a.m.

The Director distributed copies of the budget for the Department of City Planning for fiscal year 1977-78 as finally approved by the Board of Supervisors.



The Director reported that three City Planning Interns have been selected to work with the Department of City Planning this summer. They will be assigned to the Residential Zoning Study, the Environmental Review Section, and to the Housing Section.

The Director advised the Commission that the Department of City Planning had made a determination that alternate plans for treatment of Upper Market Street would result in a substantial change in the environmental effects of the project and that an Environmental Impact Report should be prepared if the Board of Supervisors wishes to pursue the alternate plans. He indicated that the State had concurred in the Department's judgment.

The Director announced that a Special Meeting has been scheduled on Tuesday, June 21, for a public hearing on the Draft Environmental Impact Report for the Westside Transport/Storage Project, Wastewater Management Implementation, Phase IX. The public hearing will be conducted in two sessions commencing at 2:30 p.m. and 7:30 p.m., respectively, in the Public Health Auditorium, Room 300, 101 Grove Street.

The Director reported on the meeting which had been held last Saturday relative to the proposal to designate Bayview North as a Rehabilitation Assistance Program (RAP) area. He indicated that a second hearing will be scheduled.

The Director advised the Commission that the Capital Improvement Advisory Committee had voted to approve a \$47,000 bond issue for the proposed expansion of San Francisco International Airport. The Airport had requested a \$90,000,000 bond issue.

The Director stated that the Finance Committee of the Board of Supervisors, meeting on Wednesday, had voted to authorize the Department of City Planning to apply for a 701 Grant from the Federal Department of Housing and Urban Development (HUD) in the amount of \$60,000.

Commissioner Rosenblatt confirmed that the staff is preparing a response to the recently published Golden Gate National Recreation Area (GGNRA) Assessment of Alternatives which will be presented to the Commission on June 16 and subsequently to the GGNRA hearings and/or planning group. Further work will be presented to the Waterfront Advisory Committee later this year; and the resulting recommendations will be brought before the Commission for public hearing and a response to the GGNRA.

The Director indicated that he had been advised that a small amount of money could be made available to the staff of the Department of City Planning for staff assistance in preparing materials for submission to the Coastal Zone Commission; and, with the concurrence of the Commission, he intended to try to obtain such funds. After discussion, the Commission authorized the Director to seek funds for staff assistance in preparing materials for submission to the Coastal Zone Commission.



Commissioner Starbuck asked if the staff of the Department of City Planning had explored the possibility of using vacant public school buildings for neighborhood centers. The Director replied that informal discussions had been held with the staff of the Board of Education; and he indicated that he would raise the issue again.

Commissioner Starbuck, noting that the Department of Public Works has been displaying alternate styles of "walk" and "wait" signs for the purpose of obtaining public comment on the alternate designs, suggested that the staff might wish to recommend that whatever design is finally chosen include the international symbols for "walk" and "wait" as well as the English words.

CONSENT CALENDAR

R76.35 - REVOCABLE ENCROACHMENT PERMIT AT 203 PARNASSUS AVENUE FOR OUTDOOR TABLES AND CHAIRS.

R77.25 - SALE OF EASEMENT RIGHTS AT KEY AVENUE EXTENSION TO PROVIDE ACCESS TO LOT 38 IN ASSESSOR'S BLOCK 4993.

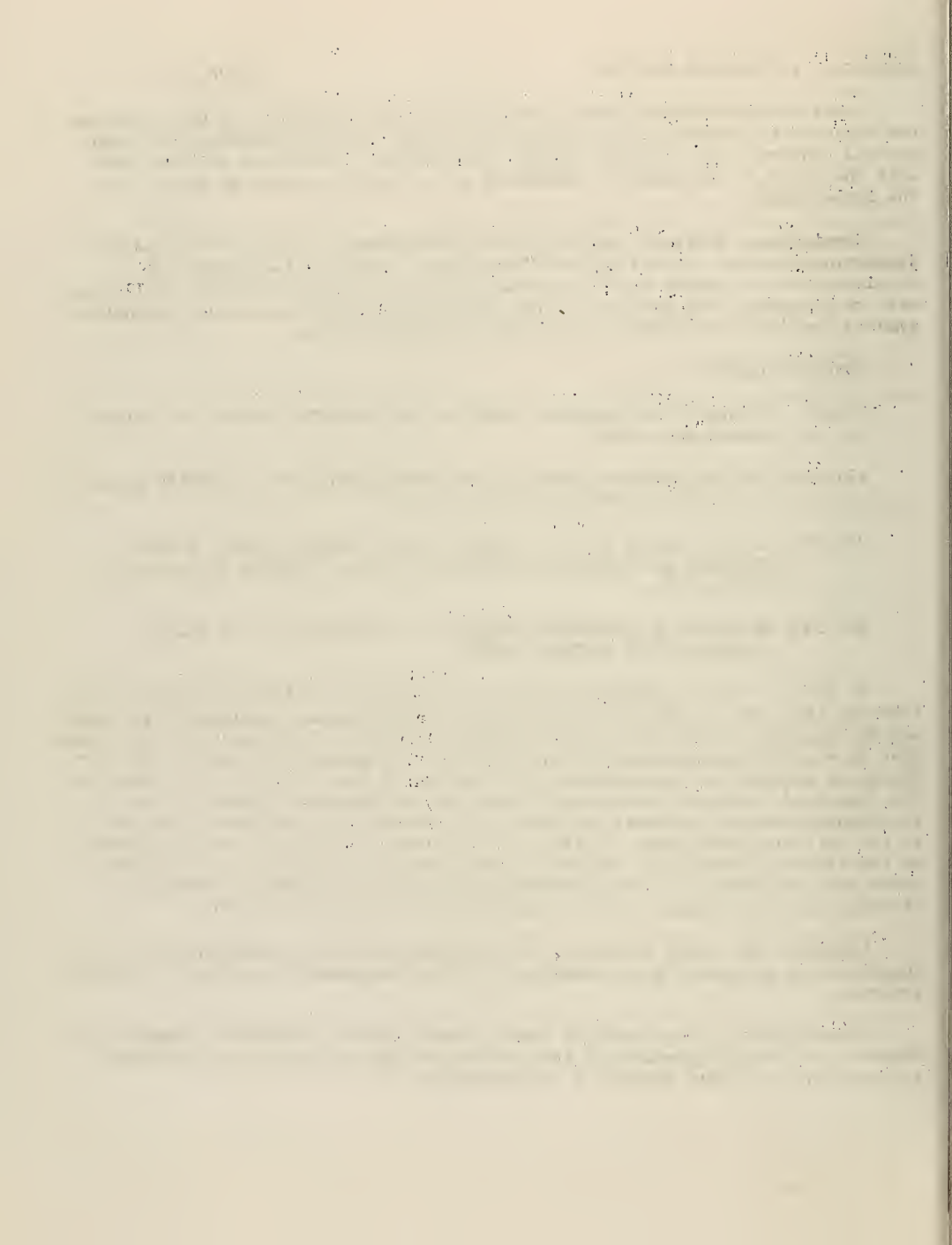
R77.27 - SALE OF ACCESS RIGHTS ON SOUTH SIDE OF MANSELL STREET BETWEEN SOMERSET AND GOETTINGEN STREETS TO OWNER OF LOT 24 IN ASSESSOR'S BLOCK 6160.

R77.28 - REVOCABLE ENCROACHMENT PERMIT FOR LANDSCAPED MALL ON VALLEJO STREET WEST OF BATTERY STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), remarked that case reports on each of these matters had been prepared by the staff and distributed to members of the Commission in advance of the meeting. He stated that it was the recommendation of the Director of Planning that each of the proposals be approved as in conformity with the Master Plan; however, with regard to the requested revocable encroachment permit at 203 Parnassus Avenue, it was recommended that the proposal be found in conformity with the Master Plan subject to the following conditions: 1) that only one row of tables and chairs be placed on the sidewalk immediately adjacent to the property line and 2) that planter boxes with landscaping, such as presently exist along the subject frontage, be placed at the end of such rows to help define the encroachment area.

President Lau asked if anyone in the audience wished to speak in opposition to any of the proposals being considered by the Commission and received a negative response.

Subsequently, it was moved by Commissioner Elliott, seconded by Commissioner Dearman, and carried unanimously that action be taken on each of the proposals in accordance with the Director's recommendation.



RS76.20 - PUBLIC HEARING ON TENTATIVE MAP FOR 7-UNIT CONDOMINIUM
CONVERSION SUBDIVISION AT 2145 FRANKLIN STREET, LOT 1 IN
ASSESSOR'S BLOCK 553.

Alec Bash, City Planning Coordinator, stated that the proposal was to convert a vacant residential building, constructed in 1916 as a 6-unit building, and since converted to seven units and into a rooming house, into seven condominium units. The building has four residential levels and six parking stalls, including one tandem stall.

Commissioner Dearman asked if the tandem stall satisfied the provisions of the City Planning Code. Mr. Bash replied that the only change involved in a condominium conversion is that of the form of ownership of the property; and, as a result, the staff of the Department of City Planning had always accepted existing parking lay-outs when condominium conversions are proposed.

No one was present in the audience to speak in opposition to this proposal.

Mr. Bash recommended that the proposed condominium conversion be approved as consistent with the Master Plan subject to the following conditions:

- "1. The sales program for the project shall promote affirmative action in housing as required by Section 1342 of the Subdivision Code.
- "2. The subdivision shall install and provide for the maintenance of street trees on the Pacific Avenue frontage and landscaping in the existing planter strips along the building's frontage."

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7732 be adopted and that the condominium conversion be approved subject to the conditions which had been recommended by Mr. Bash.

RS77.5 - PUBLIC HEARING ON TENTATIVE MAP FOR A 15-LOT SUBDIVISION ON WATT
AVENUE SOUTH OF HANOVER STREET, INTERIOR PORTION OF ASSESSOR'S
BLOCK 6494.

The Secretary noted that the calendar had indicated that this matter would be postponed until the meeting of June 9; and he explained that the postponement was necessary because copies of the notice which had appeared in the official advertising newspaper had not been sent to property owners in the area.

EE75.414 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR
PROPOSED BANK OF AMERICA PARKING STRUCTURE OF FIVE STORIES
ON THE SOUTHEAST CORNER OF 12TH AND KISSLING STREETS.
(UNDER ADVISEMENT FROM MEETING OF APRIL 28, 1977.)

Ralph Gigliello, Planner II, summarized the Comments and Responses section of the Draft Environmental Impact Report and responded to questions raised by members of the Commission. H. M. Huckabay, Project Developer for the Bank of America, also responded to some of the questions raised by members of the Commission.

1. The purpose of this document is to provide information regarding the activities of the [redacted] and the [redacted] in the [redacted] area.

2. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

3. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

4. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

5. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

6. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

7. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

8. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

9. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

10. The [redacted] has been observed in the [redacted] area, and it is believed that the [redacted] is involved in the [redacted] activities.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that a draft resolution which contained the following resolved clauses be adopted:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated May 26, 1977, concerning EE75.414, Bank of America Data Processing Center Parking Structure, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have a significant effect on the environment."

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7733.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

DR77.39 - CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF PROPOSED BANK OF AMERICA PARKING STRUCTURE OF FIVE STORIES ON THE SOUTHEAST CORNER OF 12TH AND KISSLING STREETS.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Commission had received a letter under date of April 28, 1977, from Sue Hestor requesting that the Commission undertake a discretionary review of the proposed parking structure. He advised the Commission that it was the recommendation of the staff that the request for discretionary review be denied.

Sue Hestor, representing San Francisco Tomorrow, asked if she were correct in her understanding that the permits for the project would be approved automatically without further public review if no discretionary review were to be held. Mr. Steele replied in the affirmative.

Ms. Hestor stated that she felt that approval of the proposed project would establish an unfortunate precedent for locating parking garages south of Howard Street; and encouraging parking garages in that area would contradict the thrust of the Transportation Section of the Department of City Planning for the past four or five years. She also believed that construction of a chain of parking garages in that area would violate Federal and State policy. She remarked that several hundred people live in the area south of Howard Street; and, if that area were to be developed with parking garages in the future, people who presently reside in the area would be displaced. If the proposed project were to be approved, she felt that conditions should be established requiring car-pooling and other conservation measures.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the transparency and accountability of the organization. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the implementation of these practices across different departments. It provides a detailed overview of the roles and responsibilities of each team member, ensuring that everyone is clear on their tasks and how they contribute to the overall goals of the organization. This section also includes a timeline for the implementation of the new procedures, allowing for a smooth transition and minimal disruption to ongoing operations.

3. The third part of the document addresses the challenges that may arise during the implementation process. It identifies potential obstacles, such as resistance to change or lack of resources, and provides strategies to overcome them. This section also includes a list of key performance indicators (KPIs) that will be used to measure the success of the implementation, ensuring that the organization is on track to achieve its objectives.

4. The fourth part of the document discusses the importance of ongoing communication and collaboration. It emphasizes that regular meetings and open communication channels are essential for staying informed and addressing any issues that may arise. This section also includes a list of recommended communication tools and techniques, ensuring that the organization is equipped with the resources needed to maintain effective communication throughout the implementation process.

5. The fifth part of the document provides a summary of the key findings and conclusions. It reiterates the importance of maintaining accurate records and implementing the new procedures across all departments. This section also includes a list of recommendations for future work, ensuring that the organization continues to improve and adapt to changing circumstances. Finally, the document concludes with a statement of commitment to transparency and accountability, reinforcing the organization's dedication to these values.

Commissioner Starbuck stated that he intended to vote against the Director's recommendation. He felt that businesses in the private sector should have a responsibility to cooperate with public agencies in discouraging the public's dependence on private automobiles. He remarked that the Bank of America is a major employer in San Francisco. The data processing center will employ large numbers of people who will arrive and depart at approximately the same time; and the area in which they will be working has one of the highest concentrations of transit service in the downtown area. No mitigation measures other than car-pooling had been mentioned in the Environmental Impact Report for the project; and, since the project would establish a precedent which could affect long-range planning for the central business district, he felt that the proposal deserved to be considered by the Commission under its discretionary review authority.

It was moved by Commissioner Rosenblatt, and seconded by Commissioner Elliott, that the request for discretionary review be denied. When the question was called, Commissioners Carey, Elliott, and Rosenblatt voted "aye"; and Commissioners Dearman, Lau, and Starbuck voted "no". In accordance with the Rules and Regulations of the City Planning Commission which provide that "a tie vote on any matter before the Commission shall be deemed to be a disapproval thereof", the request for discretionary review was denied.

PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR THE PACIFIC MEDICAL CENTER, INCLUDING PRESBYTERIAN HOSPITAL, UNIVERSITY OF THE PACIFIC DENTAL SCHOOL, AND RELATED INSTITUTIONAL USES IN THE VICINITY OF SACRAMENTO, CLAY, WEBSTER, AND BUCHANNAN STREETS; INCLUDING PROPERTIES IN R-3, R-4 AND C-2 ZONING DISTRICTS.

Wayne Rieke, Planner IV (Zoning), summarized the Master Plan which had been prepared by the Pacific Medical Center, explained the ways in which the proposed development would differ from the development which was authorized by the Commission in 1971 under Resolution No. 6759, and presented comments on the Master Plan which had been prepared by the Transportation Section of the Department of City Planning. The Master Plan is available in the files of the Department of City Planning.

Jonathan Twichell, Transit Planner III, stated that the basic recommendation of the Transportation Section was that the Pacific Medical Center create a Transit Action Plan.

Commissioner Rosenblatt asked if all of the construction authorized by the resolution adopted in 1971 has been completed. Mr. Steele replied in the negative, indicating that only six floors of the main hospital building had been constructed whereas eight had been authorized. Construction of the additional floors would not require a new conditional use authorization from the Commission; however, in view of the amount of time which had elapsed, he expected that the Commission would wish to conduct a discretionary review of any building permit application for such construction.



Commissioner Rosenblatt then asked if environmental impact reports would be required for the various phases of the proposed master plan. Mr. Steele replied that each aspect of the master plan would be subject to an environmental evaluation. No environmental evaluation had been made of the Master Plan itself since no action would be taken on it by the Commission.

Bruce Spivey, President of the Board of Directors of the Pacific Medical Center, remarked that discussions have taken place with regard to the possibility of merging the Pacific Medical Center with three other medical facilities; and, if that merger should occur, it would probably take several years to prepare a master plan which would reflect the goals and desires of that new corporate entity. He emphasized that the Pacific Medical Center is interested in working with other hospitals to formulate a proposal for a rational health services delivery program. In addition, the Medical Center had been working with neighborhood associations to resolve certain traffic and parking problems. He stated that the Medical Center would continue to work with the staff of the Department of City Planning, the City Planning Commission, and neighborhood organizations on all aspects of the proposed master plan including water conservation.

George Crowe, architect for the Pacific Medical Center, described the short-range and long-range plans of the medical center.

Commissioner Starbuck asked if the medical center has any plans for adding to an existing building which is on the east side of Webster Street south of Washington Street. Mr. Spivey replied that that building is occupied by a separate corporation; and he indicated that he was not aware that that corporation has any plans for expansion.

Mr. Rieke stated that he had telephoned that corporation last week and had been advised that the corporation is using an adjacent residential building to house visiting scientists.

Commissioner Dearman remarked that what appeared to be a medical office building was referred to as an "ambulatory care facility" in the master plan document; and she felt that it should be referred to as a medical office building. Mr. Spivey replied that 50 to 75% of the building will be occupied by medical offices; however, the building will also house other facilities.

Anne Bloomfield, representing the Pacific Heights Neighborhood Council (PHNC), read the following prepared statement:

"I am Anne Bloomfield, 2229 Webster Street, speaking officially for PHNC and its PMC Committee. I believe you have our Committee's letter of Feb. 19 which lists our united responses to this Master Plan document. Apart from PMC's recent organizational changes, our reactions have not changed. Can the letter be part of today's testimony without my taking your time to read it now?...

"Since the document and our letter were filed, 2 major organizational changes have been in the works. One is some sort of merger or consolidation with Mt. Zion and Children's. We QUESTION THE NEED OF ANY NEW CONSTRUCTION AT ALL until the extent of the cooperation is worked out...

"The second change is a separation of University of the Pacific from Pacific Medical Center, and Ron Arlas, PHNC President, will speak to you about UOP in a little while.

"But before that I do want to take a little time today to share with you some of the feelings behind our letter of Febr. 19. Please look at the Master Plan document, on p. 59, at the elevation on the bottom of the page...

"The building on the right is the hospital, that is to say, the grey giant we have now PLUS 2 ADDITIONAL 15-FOOT STORIES not yet built but approved by a former Planning Commission half a dozen years ago.

"2 points about this elevation. First, the hospital right now is a towering, over-powering thing that makes you feel under some threatening cliff when you walk beside it on Buchanan. Not to mention its shadow on many residences. This hospital, in the Residential Rezoning material, is one of the Planning Department's prime BAD examples. And we're saying to you and to PMC: Still more height? 30 feet more? NO! NO! NO!...

"The second point from the elevation relates to AC, which is shown in the middle. The elevation arithmetic reveals that the plan is for a new building just as high above Sacto & Webster as the hospital now is above Sacto & Buchanan--about 130'. Cover the top 2 stories of the hospital's elevation and you'll see what I mean.

"Now this hospital has already done so much damage to our neighborhood that we find the thought of another building of similar height... well, it's frightening.

"At the top of the page is AC's other face, about a 220-foot-length of what they call "a simple rectangle." On the left R already towers over our houses, what would AC do?

"I'm taking time with AC because it's first on PMC's construction calendar, and we want it considerably scaled down or pushed back into the hill or something.

"For instance, this 220-foot length going up straight for 130'. The Height and Bulk Zone here is 160-F which I understand forbids any height about 80' to be more than 120' long. That makes the AC proposal about 100' too long.

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"Notice the distance between AC and R. About 100' if I measure correctly. But the Master Plan approval--in this document p. 87 item d--requires 120' between them.

"Further, Dr. Spivey told us PMC now provides office space for about 60 doctors. This so-called Ambulatory Care Center would house, he said, about 150 doctor's offices. Sounds like speculation to us.

"Somehow, using these clues or others, this office building called AC needs to be scaled down.

"Now I'd like to share a little history with you. Please turn to p. 20. Do you see Block 613 Lot 35? That little bump caused us to be organized a dozen years ago. There the Institute of Visual Sciences and/or its fund-raising arm the Smith-Kettlewell Eye Research Foundation were asking for R-4 spot zoning, and they claimed they alternately were and were not part of the Medical Center, according to which seemed the more effective argument at any given moment. We got kind of gunshy about them, and we still are.

"This same Institute and/or Foundation owns the lot next door, 613/15, at 2238 Webster, and also Block 612 Lot 17, at 2472 Clay. These are not part of the approved Master Plan area, but don't they belong in this document????... What are the intentions for them?

"Another item. What is the reaction to this Master Plan by the Health Systems Agency?

"Where is shown the square footage under the Plaza?

"Finally I want to say how difficult it is for us to imagine the effect of all this bulk proposed in the document. The heights are way out of scale with our RH-2 and RH-3 neighborhood. I imagine the numbers of people are too. We profoundly hope it never all gets built.

"I have not mentioned our positive reactions to the Master Plan document, such as the improved proposal for Buchannan St, ERA, but you will find them in the letter. We have indicated to PMC that we're willing to trade in bulk in the middle of their major block for no more height on the present hospital. We're also willing to trade some of that high-level, so-called open plaza for more setbacks and such around the fringes and along Webster. We're happy to have this process today, because it's improving communication between all of us.

"Thank you."

Mr. Spivey stated that the property at 2238 Webster Street is owned by a separate agency which has no corporate relation to the Pacific Medical Center. Only properties owned by the Pacific Medical Center had been included in the Master Plan.

Commissioner Rosenblatt asked if the two agencies share common Board of Directors members. Mr. Spivey replied that only one individual serves on the boards of both agencies.

Commissioner Rosenblatt acknowledged that the two agencies may be completely separate entities in technical terms. However, the other agency would not be located in the area if it were not for the presence of the Pacific Medical Center; and he hoped that Mr. Spivey would relay a message to that agency that the Commission would be concerned about any proposals which it may have for expansion in the area.

Mrs. Bloomfield asked if the Master Plan for the Pacific Medical Center would have to be reviewed by the local health services planning agency. Mr. Steele replied that the Westside Health Systems Agency will soon have a staff; and it will be reviewing the need for all new medical facilities proposed in San Francisco. Mrs. Bloomfield, noting that it appeared that the proposed plaza would be above grade, asked what would be beneath the plaza. Mr. Crowe replied that the plaza would be at grade; however, there would be a parking garage beneath the plaza.

Mrs. Bloomfield remarked that it was difficult to visualize the impact which the proposed bulk of the facilities being proposed by the Pacific Medical Center would have on the neighborhood; and she indicated that she would prefer to have additional bulk allowed in the middle of the medical center's "megablock" as opposed to two additional floors on the hospital building.

Ron Arlas, President of the Pacific Heights Neighborhood Council, remarked that the Pacific Medical Center is in a state of flux, facing reorganization and a possible merger with other medical facilities; and, as a result, he questioned why the medical center was apparently anxious to proceed with developments proposed in the Master Plan at the present time. Although the University of the Pacific Dental School had been included in the medical center's Master Plan, that school really seems to have very little relationship with the Pacific Medical Center. That facility has recently threatened to acquire property on Fillmore Street by eminent domain; but it had later decided to expand on its existing property. That expansion would result in the loss of 22 off-street parking spaces. The expansion will provide the Dental School with a respiratory care center; but he did not understand why the School of Dentistry needs such a facility or why it needs to be located in San Francisco or in the subject neighborhood. He remarked that the Master Plan for the Pacific Medical Center contained no information about the remodeling at the University of the Pacific School of Dentistry; and he felt that the dental school should slow down on its remodeling job so that residents of the neighborhood would have an opportunity to discuss the project with them. He noted that the Pacific Medical Center had submitted an addendum to the Master Plan correcting certain figures which had appeared in the Master Plan; and he indicated that he tends to be suspicious of revised calculations.

Corrected

MAY 26, 1977

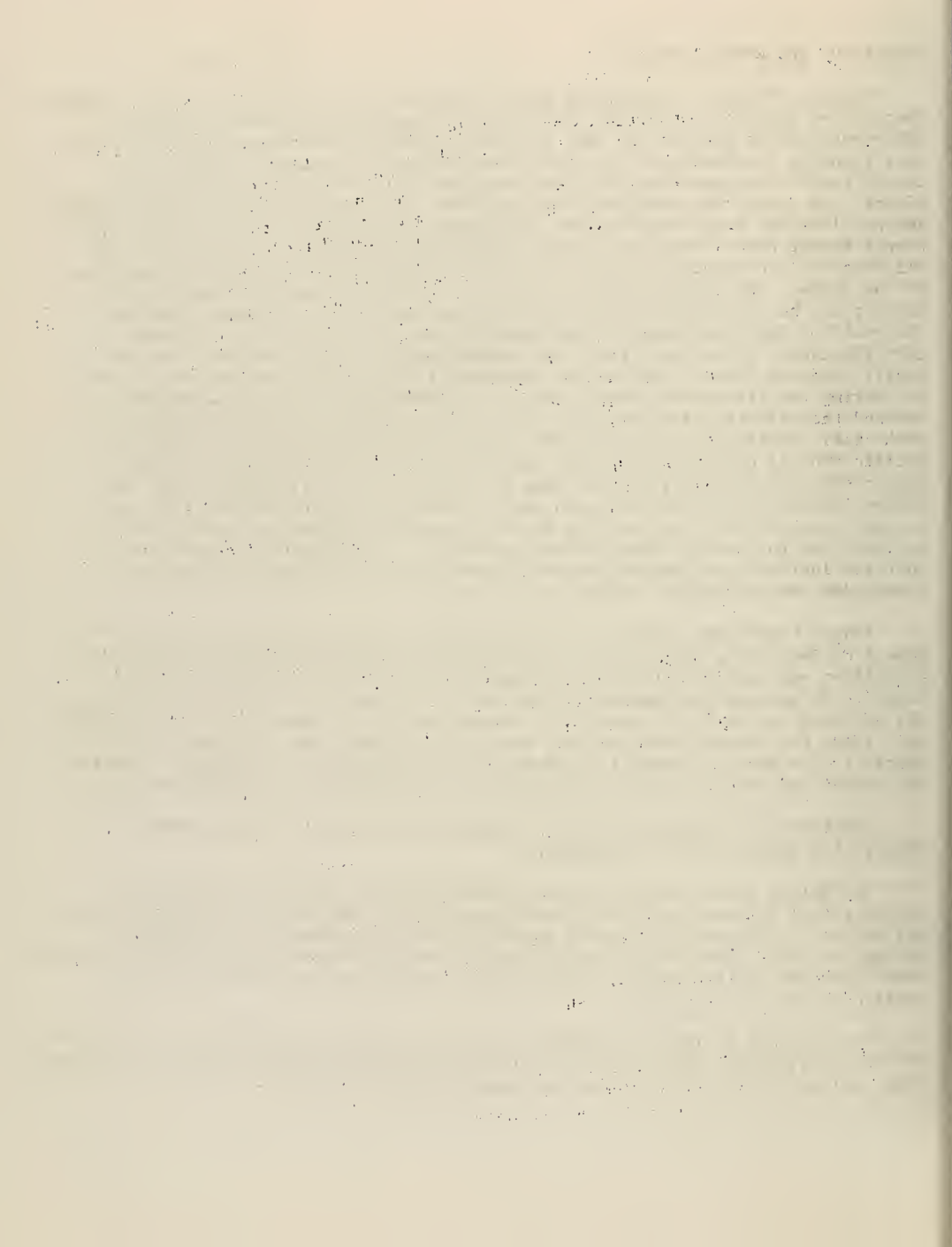
Douglas Engmann, representing the California Consumer Health Coalition, stated that he had helped to draft the Institutional Master Plan Ordinance; and his interpretation of the law was that all institutional master plans approved by the City Planning Commission in the past became defunct on January 1, 1977, even though conditions established by the Commission prior to that date remain in effect. He noted that some hospitals have not yet filed the required master plans; and he cited St. Mary's Hospital as an example. He indicated that the institutional master plans would be referred to the Westbay Health Systems Agency; and all hospital construction costing in excess of \$150,000 will have to be approved by the State. The process of State approval would take between three and six months; and he felt that the Commission should ask all institutions to advise the staff of the Department of City Planning when they have filed for State certification. He believed that the proposed medical office building for the Pacific Medical Center would not be necessary if a creative approach were taken to sharing facilities with other medical institutions; and, while he wished to commend the efforts which have been made by the medical center toward merging with other institutions, he noted that the effort had been made only when the Pacific Medical Center and Mt. Zion Hospital appeared to be folding. If the merger should take place, he felt that the medical office facilities might be better located in a commercial area such as Geary Boulevard instead of in the subject neighborhood. Van service could be provided between the medical office building and the medical institutions involved. In conclusion, he expected that the institutional master plan procedures would ultimately save both the Commission and the public a great deal of time.

Robert Winterberg, Financial Vice-President of the University of the Pacific School of Dentistry, stated that the school had chosen its present location after a decision was made in 1962 that it should have an affiliation with a medical center. He advised the Commission that the school has leased upper floor space in the building on Lot 24 in Block 629. Renovation of that space would cost \$450,000; and, since the dental school did not wish to spend that sort of money in leased space, it had inquired about the possibility of purchasing the property. However, the school had never intended to use eminent domain powers to acquire the site.

Commissioner Dearman asked what relation a respiratory therapy center would have to the dental school's operation.

Mr. Spivey stated that the Pacific Medical Center planned to assist the dental school in supervising the respiratory therapy center; and he indicated that the medical center, which presently provides clinic experience for respiratory therapy students from several other schools, would discontinue its relation with those other agencies and respiratory therapy clinic experience for University of the Pacific students. *provide*

Commissioner Dearman then asked if the construction work to be done to provide for the respiratory therapy center would need the approval of the State. Mr. Winterberg replied that he did not know the answer to that question.



Corrected

Commissioner Dearman urged representatives of the dental school to meet with representatives of the neighborhood to discuss their project.

John Beckham, a member of the Board of Directors of the Pacific Heights Association, indicated that he had believed that his organization and the Pacific Medical Center had reached an understanding approximately one year ago in which the Medical Center had agreed to less intensive development of its site; and he was appalled by the fact that the Master Plan which had been presented by the medical center appeared to call for enormous expansion in excess of the height and bulk which had been contemplated. The medical center continues to propose new services such as the new respiratory therapy center; and he feared that the continual increase in the number of services being provided would result in a northward intrusion of the medical center into the adjacent residential area. If facilities such as the respiratory therapy center are really needed, he suggested that they should be placed in the Western Addition Redevelopment Area where plenty of land is available. He advised the Commission that the Master Plan which had been submitted by the Pacific Medical Center was not acceptable to the members of his organization; and he did not feel that the Master Plan conformed with guidelines which had been adopted by the Commission.

Commissioner Rosenblatt, noting that one of the purposes of the hearings on institutional master plans was to allow members of the Commission to express their reactions before building plans have been developed, expressed the opinion that the Master Plan which had been filed by the Pacific Medical Center did not correlate with the actual state of affairs in 1977. The Master Plan noted the fact that there is an excess of hospital beds and a duplication of services in San Francisco. Yet, the Master Plan was proposing an 8% increase in the square footage of the medical center, a 70% increase in the number of acute beds, and a 68% increase in the number of parking spaces. He felt that those proposed increases are not in harmony with the present state of affairs in the city; and he suggested that the Commission might have to consider establishing a moratorium on new hospital construction until the various hospitals in San Francisco are able to get together and make arrangements to avoid duplication of functions and services. Hospitals in the city are being driven to provide competitive services without taking the health care needs of the community into account; and the cost of the duplicated services are being passed on to patients. He noted that the Commission had recently been reviewing a Draft Environmental Impact Report for proposed expansion of the Ralph K. Davies Medical Center; and he suggested that the Pacific Medical Center should become familiar with the types of questions which had been raised by the Commission before proceeding with plans and an environmental impact report for a particular expansion project. 849

Mr. Spivey, responding to comments which had been made by members of the audience and Commission, acknowledged that the Pacific Medical Center had recently suffered from severe financial problems; but he indicated that the problems had been solved for the time being. Nevertheless, he acknowledged that all hospitals will be under increasing restraints in the future; and he felt that it was obvious that some of the present hospitals in San Francisco will no longer exist in the



future. However, he was confident that the Pacific Medical Center, which has a new physical plant, will survive. In fact, the Pacific Medical Center had already assumed responsibility for the patients and services previously offered by two hospitals which have already closed. He stated that the Pacific Medical Center would not propose to construct new hospital beds for at least the next three years. He remarked that each of the hospitals in San Francisco is a little unique; and he hoped that the Commission would appreciate that fact as the individual hospitals attempt to maintain their constituents, i.e. their doctors and patients. In conclusion, he remarked that some neighborhoods in San Francisco would ultimately be very unhappy if all of the existing hospitals were to merge into one institution.

Commissioner Dearman remarked that the administrator of the Ralph K. Davies Medical Center was also confident that his institution would survive; and she believed that representatives of the other hospitals in San Francisco would express the same confidence about their own institutions. Yet, given present circumstances, it is unlikely that they will all survive. Therefore, she urged Mr. Spivey to give serious thought to the issue.

Commissioner Rosenblatt stated that he failed to understand why survival was so important to each of the hospitals in San Francisco or who would benefit from their survival. Given the present state of affairs, he questioned why the Pacific Medical Center wished to construct 300 more hospital beds. Mr. Spivey replied that such questions would be answered when the Commission gets representatives of all of the hospitals together at one time.

President Lau felt that the remarks which had been made by Commissioner Rosenblatt reflected the general consensus of the Commission; and he advised Mr. Spivey that the Commission would not be very receptive to a conditional use application based on the expansion proposed in the Master Plan as submitted.

At 5:05 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 5:15 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.31 - 1071 GIRARD STREET, EAST LINE, 80 FEET NORTH OF WARD STREET.
DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7703252
FOR CONSTRUCTION OF A TWO-STORY, FOUR-UNIT RESIDENTIAL BUILDING
IN AN R-3 AND PROPOSED RM-1 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that a request had been made that this matter be postponed. He recommended that it be recalendared for consideration on June 23, 1977.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Carey, and carried unanimously that this matter be postponed until the meeting of June 23, 1977.

DR77.25 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 463963 FOR A SEVEN-UNIT APARTMENT BUILDING AT 120 JOICE STREET, EAST LINE, 75 FEET NORTH OF CALIFORNIA STREET.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), reported that the applicant had requested that this matter be postponed indefinitely.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Carey, and carried unanimously that this matter be postponed indefinitely.

EE77.68 - PUBLIC HEARING ON APPEAL OF A NEGATIVE DECLARATION FOR NIGHT LIGHTING OF THE DRIVING RANGE AT THE CRYSTAL SPRINGS GOLF COURSE IN THE CITY OF BURLINGAME, SAN MATEO COUNTY.

Douglas Holmen, Planner II, explained the reasons for the staff's issuance of a negative declaration for this project.

The Commission then received comments from members of the audience including Walter Droste, a member of the Committee for Green Foothills who had filed the appeal of the negative declaration; John Patrick Griffith, representing the Crystal Springs Golf Course, Inc.; Milton Biery, a illumination engineer; Christopher Medbery, a resident of Millbrae; Tom Barry, President of the Kings Mountain Association; Robert Levy, a resident of the area; Rodger Woodruff, Chairman of the San Mateo County Scenic Routes Committee; Robert Walker, 475 Skyline Boulevard; Marty Tarshes, a resident of San Carlos; V. K. Sanders, a resident of the area; Jean Rushmore, a member of the Committee for Green Foothills; Robert F. Epton, a resident of Skyline Boulevard; and Julien Bardoff, principal engineer for the Water Department.

Mr. Steele recommended that the Commission sustain the staff's issuance of the negative declaration for the project and that it request the Water Department to review the impact of the night lighting after it has been in operation for one year.

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Carey, and carried five to one that Resolution No. 7734 be adopted finding that the proposed project could not have a significant effect on the environment and affirming the preliminary negative declaration prepared by the Department of City Planning. The Commission also requested the Water Department to review the impact of the night lighting after it has been in use for one year. Commissioners Carey, Elliott, Lau, Rosenblatt, and Starbuck voted "Aye"; Commissioner Dearman voted "No".

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

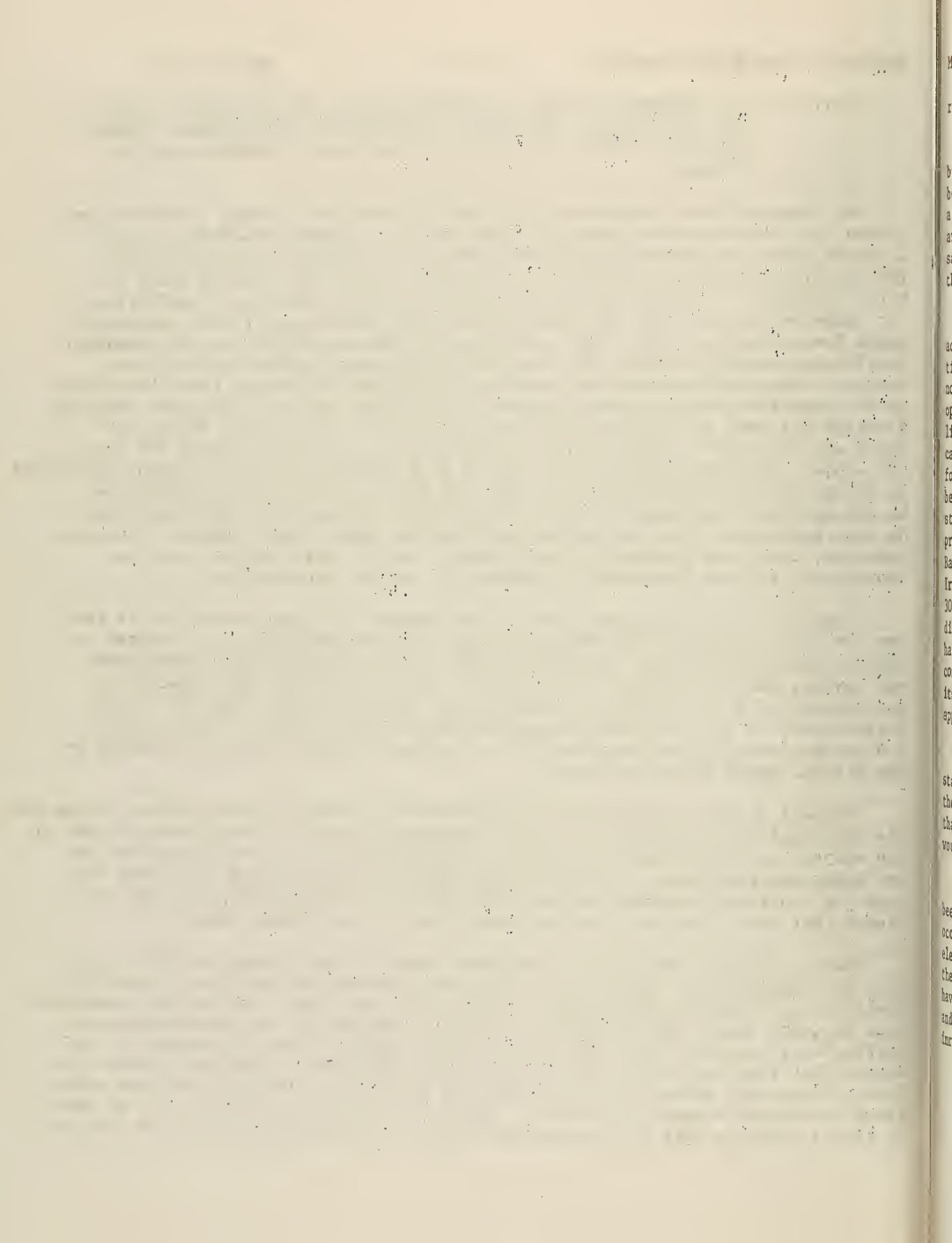
DR77.34 - DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7703617 FOR CONVERSION OF AN EXISTING STRUCTURE AT THE NORTHEAST CORNER OF IRVING STREET AND 9TH AVENUE FOR USE AS A SAVINGS AND LOAN OFFICE.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the Chinatown Federal Savings and Loan Company proposed to occupy a vacant store in a two-story building previously occupied by a hardware store. The facility would have only 1600 square feet of area; and it would house only three employees. The proposed use would violate one of the general guidelines for banks and savings and loan institutions which was adopted by the Commission under Resolution No. 7422. That guideline had recommended that no new financial institution should be within 300 feet of any existing financial institution. However, the guidelines had also encouraged applicants to design their facilities to be compatible with the neighborhoods in which they are to be located; and such a design had been achieved for the proposed facility. Mr. Steele stated that there are three other branch banks or savings and loan offices within 300 feet of the subject property; however, he believed that those are the only banking facilities on Irving Street between 9th Avenue and 19th Avenue. Under the circumstances, he did not feel that installation of the proposed office would impact the area. He also pointed out that the subject property has good transit access. Given the location, type, and intensity of the proposed use, he felt that it would be appropriate for the Commission to approve the subject application.

Commissioner Dearman asked what is the purpose of having guidelines if they are not to be followed. Mr. Steele replied that the guidelines were adopted to protect areas such as West Portal which are heavily impacted with branch bank and savings and loan offices. In any case, they have always been regarded as guidelines and not as absolute restrictions. He did not feel that the subject neighborhood is impacted with savings and loan and branch bank offices; and he did not believe that the proposed office, having only twenty feet of frontage on the street, would impact the area.

Michael J. Haas, representing the Inner-Sunset Merchants Association, stated that his association had requested that the Commission conduct a discretionary review of the subject building permit application. The members of the association had met two night ago to discuss the matter; and, while they had decided that there was room for additional savings and loan offices in the neighborhood, they had concluded that such a use would not be appropriate at the subject location.

Marcia Lindeen, Secretary of the Inner Sunset Action Committee (ISAC), stated that her organization had passed a resolution opposing any additional financial institutions in their neighborhood. She remarked that the Irving Street commercial area is quite small; and she indicated that the members of her organization were particularly concerned about the loss of small, family-oriented businesses. She stated that they had been optimistic when the guidelines for bank and savings and loan offices were adopted by the Commission; but they did not feel that the guidelines were being adequately enforced. She felt that the applicants would be able to find a suitable site for the proposed office which would be beyond the 300-foot



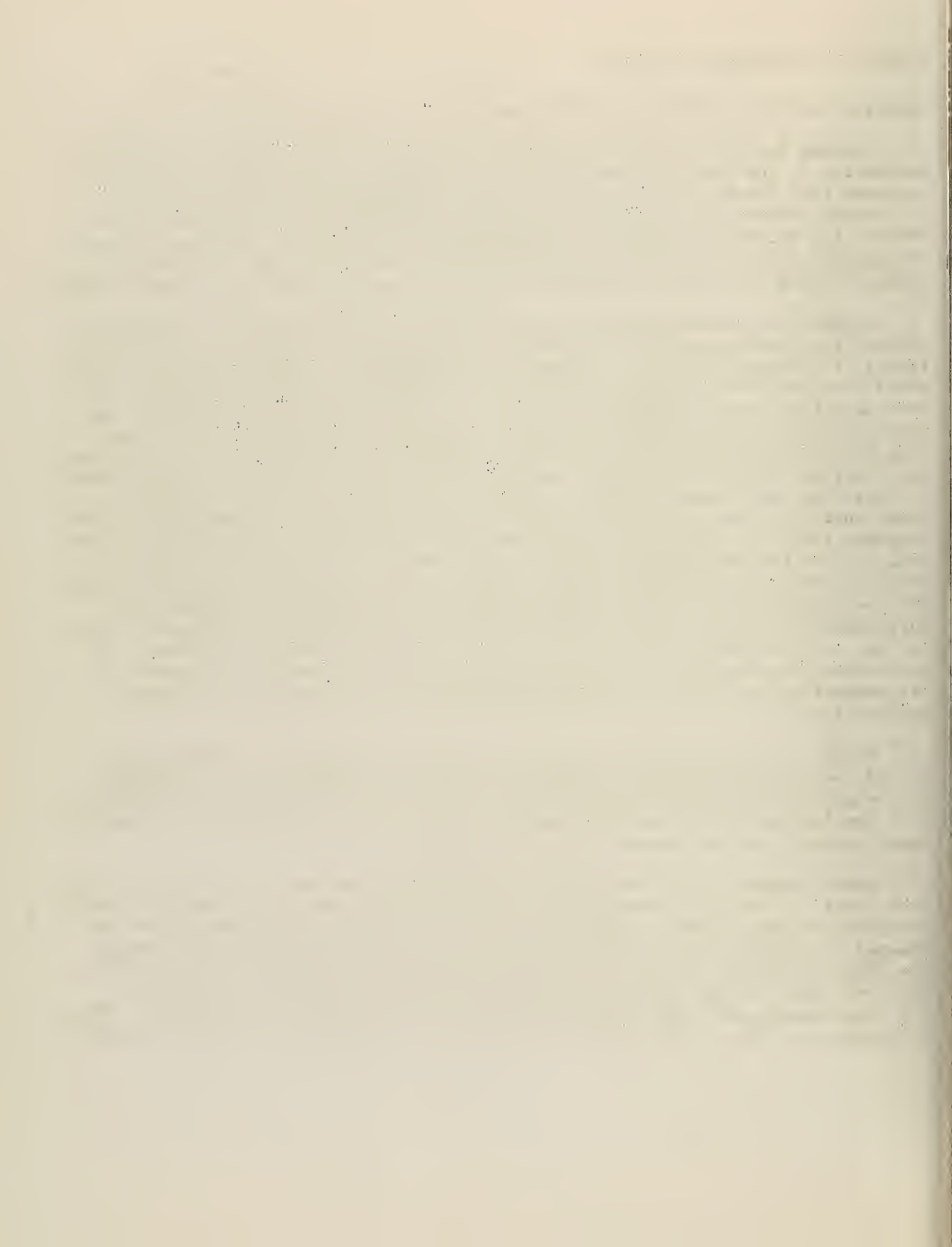
radius around the existing financial institutions on Irving Street.

Jacques Bertram, 1216 - 9th Avenue, advised the Commission that many of the businesses in the area have been started with minimal amounts of money, usually borrowed from friends; and he believed that introduction of new businesses with a stronger financial base would inevitably result in higher rental rates in the area to the detriment of small business people. While he felt that the proposed savings and loan office could be accommodated in the subject district, he felt that it should be opened at a different location than that which was being proposed.

Normon Lew, representing the Chinatown Federal Savings and Loan Association, advised the Commission that the association is the first savings and loan association in the United States to be organized and managed by Chinese-Americans; and he noted that this was the first occasion on which the association had proposed to open an office outside the Chinatown area. He remarked that the Commission guidelines for location of branch banks and savings and loan offices state that each case should be decided on its own merits; and he felt that the guidelines calling for location of new facilities at least 300 feet from any existing facility should be waived in the present instance. The association had undertaken a feasibility study which had indicated that there is a need in the subject neighborhood for the proposed facility. The proposal had then been submitted to the Federal Home Loan Bank and had won the approval of that agency. He indicated that the site at 750 Irving Street had been chosen because it was vacant; and alternate sites more than 300 feet distant from existing financial institutions would have involved the displacement of existing tenants. He advised the Commission that the association had not made the highest rental offer to the owner of the subject building. In conclusion, he stated that the association had received hundreds of letters from its depositors who live in the subject neighborhood in support of the subject application.

Ed Sue, architect for the Chinatown Federal Savings and Loan Association, stated that he had designed the proposed facility to complement the character of the neighborhood; and he explained the plans which he had prepared. He emphasized that the facility would have only 20 feet of frontage on Irving Street and that it would contain only 1600 square feet of floor area.

Bruce Goldman, one of the owners of the subject building, stated that he had been unable to negotiate successfully with the hardware store which had previously occupied the space under consideration; and, as a result, the hardware store had elected to move elsewhere. The space was vacant when he had been approached by the Chinatown Federal Savings and Loan Association. While several higher offers have been made for the space, he had felt that the Chinatown Federal Savings and Loan Association would contribute more than other prospective tenants to the improvement of the neighborhood. He urged that the subject application be approved.



A Mr. Wang translated comments made by a Mr. Fong. Mr. Fong stated that he lives in the Sunset District, that he does not drive, and that he does not speak English well. Therefore, he supported that proposal of the Chinatown Federal Savings and Loan Association to open a branch office in the Sunset District; and he felt that the vicinity of 9th Avenue and Irving Street would be a good location for the offices because that area has very convenient public transportation.

George Leong, representing the Chinese American Citizens Alliance, urged the Commission to approve the subject application. He remarked that many Chinese people have moved out of Chinatown because of present congested conditions in that area; and many of them now live in the Sunset and Richmond Districts. Therefore, he felt that it would be desirable to have a branch office of the Chinatown Federal Savings and Loan Association in the Sunset District; and he felt that the office would be an asset for the neighborhood.

Henry Der, Executive Director of Chinese for Affirmative Action, felt that the record would show that the Chinatown Federal Savings and Loan Association had made a substantial effort to meet and confer with the Irving Street merchants; but they had received an unfriendly reception with racial overtones. The implication seemed to be "why don't you people stay in Chinatown?". He emphasized that the association is trying to bring its services to people who live in other areas of the City; and he remarked that the subject neighborhood does not belong to the merchants but to all of the people who live in the area, including many Chinese Americans. He observed that many Chinese merchants operate businesses on Clement Street in the Richmond District; and there was no indication that that area had deteriorated because of their presence.

Mr. Lew stated that the Association has hundreds of depositors who live in the Sunset district; and thirty percent of the Association's real estate loans are tied to properties in the area. He remarked that some of the merchants on Irving Street had signed a petition in support of the subject application; and he felt that the fears of some of the opponents of the application would not be realized because the association is a small business and not a large institution.

Commissioner Lau asked what percentage of the depositors of the association use Chinese as their primary language. Mr. Tom, representing the association, replied that more than 90% of the association's members and borrowers are Chinese, and more than half of those individuals speak Chinese.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Carey, and carried unanimously that Resolution No. 7735 be adopted and that the subject building permit application be approved.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



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Minutes of the Regular Meeting held Thursday, June 2, 1977.

The City Planning Commission met pursuant to notice on Thursday, June 2, 1977, at 1:00 p.m. in Room 282, City Hall.

PRESENT: Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Gordon J. Lau, President of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Selina Bendix, Environmental Review Officer; Wayne Rieke, Planner IV (Zoning); Charles Gill, City Planning Coordinator; Robert Meyers, City Planning Coordinator; Robert Feldman, Planner II; Douglas Holmen, Planner II; Mary Anne Miller, Planner II; Paul Rosetter, Planner II; David Lynch, Architectural Design Draftsman; Tina Metlenko, Senior Clerk Stenographer; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

Although the minutes of the meeting of April 28, 1977, were calendared for approval, consideration of those minutes was postponed for one week because they had not been received by members of the Commission.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reported that the case involving Pets Unlimited's violation of the City Planning Code on property located at Fillmore and Washington Streets had been remanded to the Board of Supervisors by Judge Ira Brown. The purpose of the remand is to establish a record for the court to review of the Board's approval of the action taken by the City Planning Commission in revoking conditional use authorization for an animal shelter at that location.

The Director informed the Commission that its disapproval of an application for reclassification of property at Oak and Divisadero from R-4 to C-2 had been appealed to the Board of Supervisors.

The Director advised the Commission that the staff will meet with representatives of the Residential Builders Association of San Francisco, Inc., to discuss a recent letter from that organization urging that ways be found to expedite internal procedures in the Department of City Planning. The staff will also visit



the Oakland City Planning Department to review procedures used by that Department. Following these meetings, a meeting of the Implementation Committee of the Commission will be scheduled to discuss any procedural changes which might be proposed.

The Director reported that the Landmarks Preservation Advisory Board, meeting on Wednesday, had decided not to recommend that St. Anne's Home on Lake Street be designated as a Landmark.

Selina Bendix, Environmental Review Officer, reported that the City will lose State and Federal funding for the Westside Transport/Storage Element of the Wastewater Master Plan unless certain deadlines are met. Under the circumstances, it is important that the Draft Environmental Impact Report for this project be certified by July 7. She then called attention to sections of the Draft Environmental Impact Report for the project which dealt with items which are of concern to members of the public.

The Director reported that the Environmental Management Task Force had held its second meeting on the previous evening.

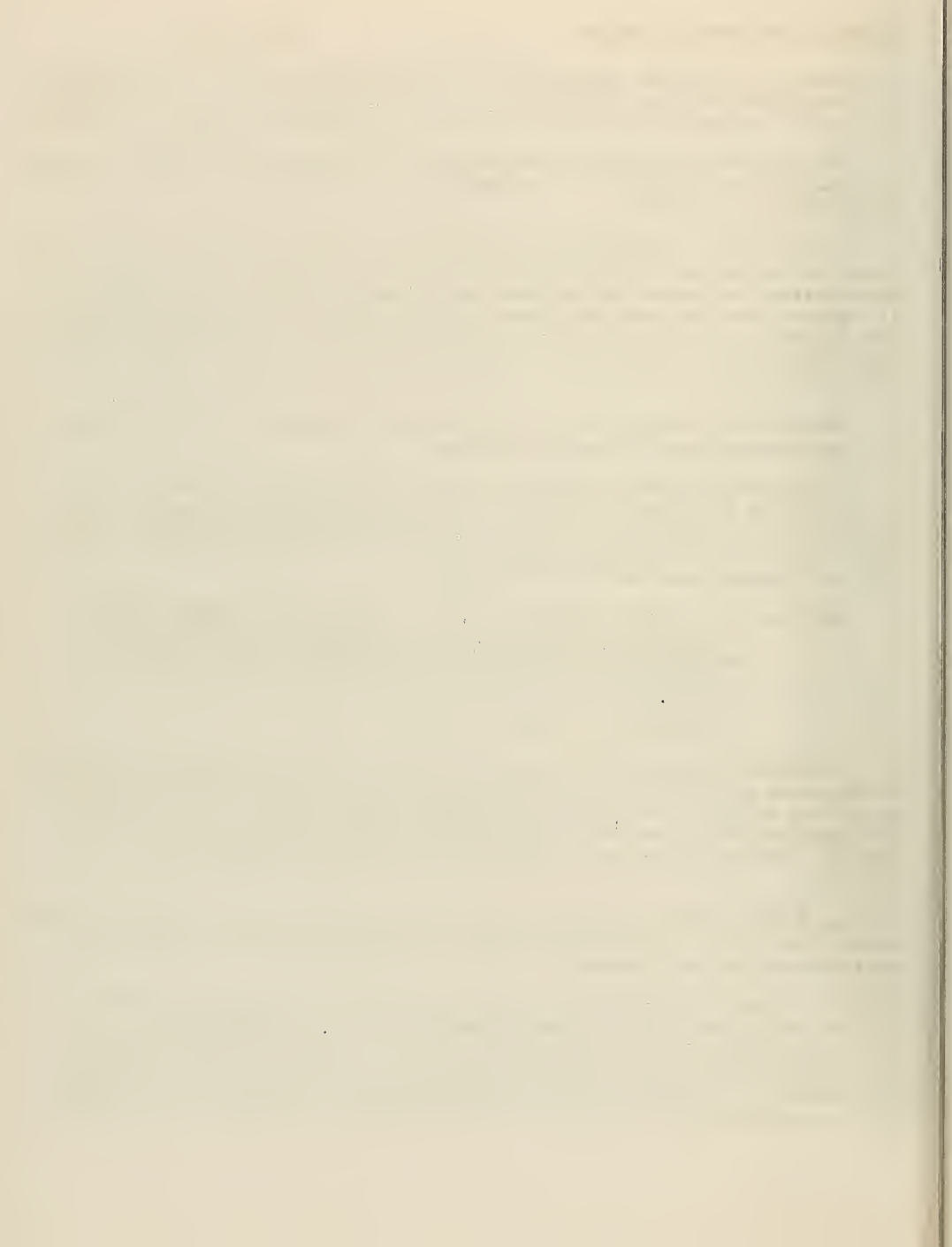
Commissioner Starbuck, noting that Levi-Strauss, Inc., is proposing a new project in the Northeastern Waterfront, read a list of potential impacts of the project which he felt should be covered in the Environmental Impact Report which will be prepared. He indicated that he will submit a written copy of the list to the staff of the Department of City Planning.

DR77.12 - 145 CARMEL STREET, SOUTH LINE, 100 FEET EAST OF SHRADER STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE REQUEST FOR
AUTHORIZATION FOR ONE THREE-FAMILY HOUSE 33 FEET IN HEIGHT ON
A LOT OF 4,500 SQUARE FEET; IN AN R-2 AND PROPOSED RH-2 DISTRICT.
(EE76.342)
(CONTINUED FROM MEETING OF APRIL 7, 1977.)

Commissioner Bierman stated that she lives within a 300-radius of the subject property and indicated that she had been advised by the City Attorney that she might have a conflict of interest if she were to participate in the Commission's deliberations on this matter. Therefore, she asked to be excused from the discussion. The Commission voted unanimously to allow Commissioner Bierman to be excused.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that he had received a letter from the City Attorney which contained the following concluding paragraphs:

"Insofar as the twelve (12) unit use on the present Lot 40 Lawfully existed on the effective date of the proposed RH-2 reclassification, it is my opinion that the existing use is a ' . . permitted conditional use without further authorization' as provided in City Planning Code Section 303(f) (3). You are further advised that, since this conditional use was not established by the City Planning Commission, the provisions of the City



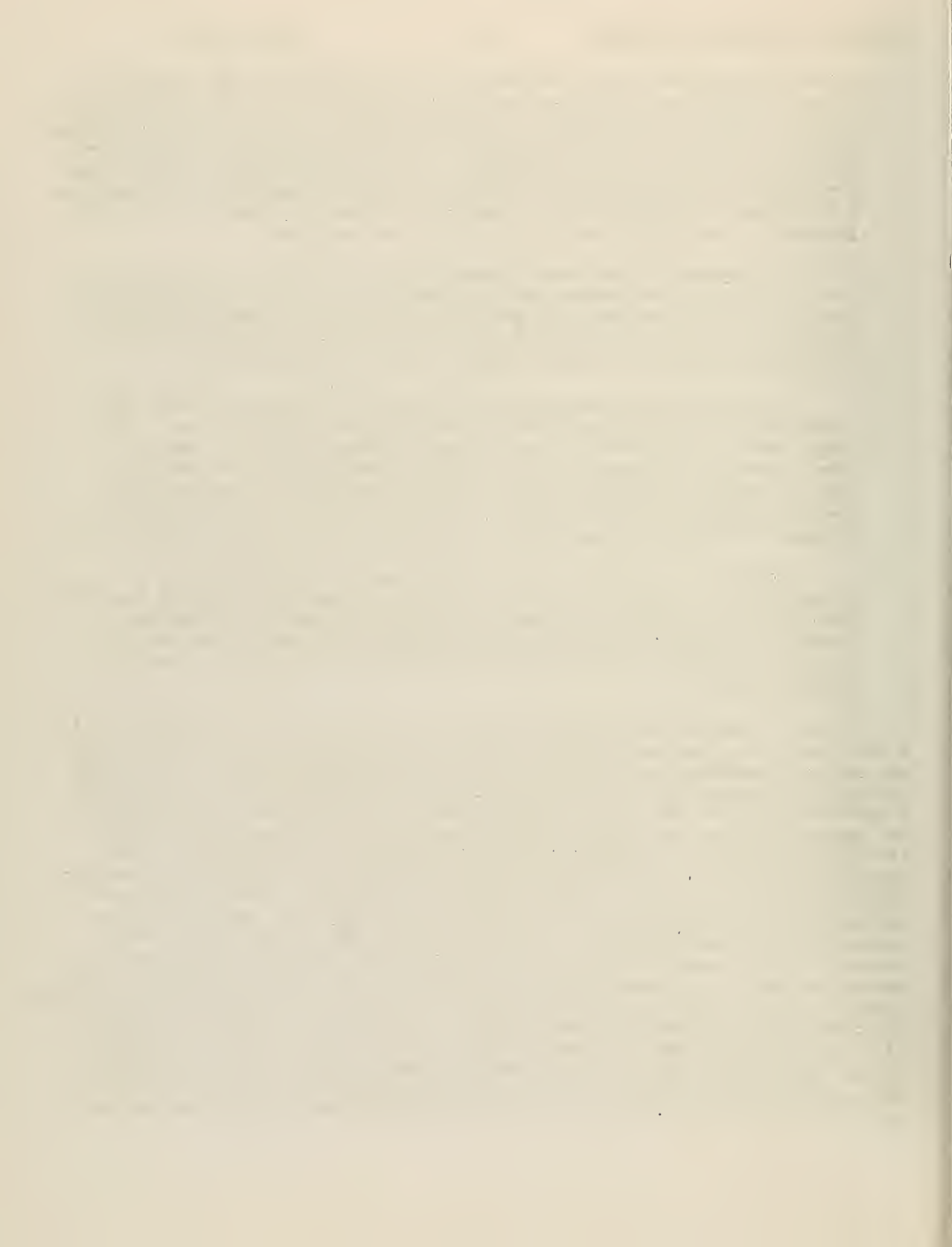
Planning Commission, the provisions of the City Planning Code relating to termination of conditional uses would not be applicable to the proposed lot split. Moreover, the severance of 4,500 square feet to form a new lot having a width of 31.67 feet does not violate City Planning Code requirements for minimum lot width and area. Therefore, you are advised that, to the extent the proposed severance will not result in density exceeding one (1) unit per 1,500 square feet, approval of a severance by the City Planning Commission, pursuant to conditional use procedures, is not required.

"In response to your second inquiry, this is to advise you that if a portion of Lot 40 is severed then the Commission under its conditional use procedures would consider only one (1) of the three (3) proposed dwelling units, since under the provisions of the proposed code two (2) dwelling units could occupy a lot using a total area of 4,500 square feet.

"In addition, your concern is noted that the proposed variance will result in a buildable lot which does not front on a public street. The City Planning Code does not require minimum street frontage. However, street frontage requirements are regulated under Part II, Chapter 1, of the San Francisco Municipal Code. (See Section 504(a) of the Building Code.) Jurisdiction of Building Code matters is vested in the Superintendent of Building Inspection. (See Section 202 of the Building Code.)

"However, to the extent that the proposed lot split includes, a proposal for the construction of a two (2) unit dwelling, the City Planning Commission may consider the absence of street frontage in determining whether the proposed building structure will be detrimental to the safety of people residing in the vicinity. (See Section 303(c) (2) of the City Planning Code.)"

Margery Crawford, 125 Carmel Street, stated that her lot, which measures 32 X 228 feet, abuts the rear portion of the subject property. She indicated that she and many residents of the neighborhood were strongly opposed to any new construction whatsoever on the subject site. Over 200 individuals who live within a 300-foot radius of the subject property had signed petitions in opposition to the application; and the docket in the Department of City Planning is full of letters and records of telephone calls from individuals in opposition to the applicant's proposal. Their basic concern was the quality of living in the subject neighborhood. She was of the opinion that additional dwelling units are desirable only when they do not detract from a neighborhood; and she felt that construction of dwelling units in the rear yard of the subject property would detract from the area. She noted that the applicant, during the Commission's meeting on April 7, had emphasized that all of the trees which appeared in photographs of the site were actually located on her property and that the proposed construction would not result in their removal. However, she noted that the life of a tree does not stop at a property line; and she believed that the proposed project would result in removal of branches, roots being cut, and a blockage of light and air. As a result, the trees might eventually be lost if the project were to be constructed. She also advised the Commission that the area has many



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springs; and she pointed out that excavation and construction could result in diversion of the flow of those springs. Landslides have occurred in the area; and diversion of springs, causing additional saturation by water, could result in landslides. She had tried to persuade the applicant that open space enhances the value of his property as well as other properties in the area and that construction of additional buildings would have a detrimental impact on the value of his property and its appeal to existing and prospective tenants. She remarked that the subject property is an interior, land-locked lot; and she believed that any construction on that property would be detrimental to the neighborhood as a whole regardless of whether one, two, or three dwelling units were being contemplated. The driveway access to the parking area for the proposed units has a width of only ten feet. The parking area on the property is already filled with cars; and she felt that it would be unrealistic to assume that individuals occupying two-bedroom units would have only one car. Since the parking area is already filled to capacity, she expected that the additional cars would park on already overcrowded streets in the area. Ms. Crawford then read and submitted an unsolicited petition which had been signed by residents of Ponderosa Pines apartment building, which is owned by the applicant. The petition read as follows:

"We are opposed to erecting another building on the property for the following reasons:

"1. The property is already overcrowded with too many people and too many cars. Often, cars block the driveway, sidewalk, and our carports. Increasing the density and using the same driveway for access would be intolerable for those of us who live here.

"2. The proposed building would invade our space and privacy, and the noise from neighboring units is more than enough without adding to it with three more units.

"3. Erecting a building on a lot inadequate to accommodate its size would have the adverse effect of closing off the east side of the property and blocking some view.

"4. Eradication of a yard of shrubs and trees would degrade the aesthetic qualities of the property as well as the neighboring properties.

"We care about preserving the quality of the neighborhood, because we live here."

Ms. Crawford stated that the applicant had previously tried to purchase the rear portion of her property and had made a cash offer which was very tempting; however, because she valued her privacy and because she realized that open space and trees are important to the entire neighborhood, she had declined the offer. However, if the proposed dwelling units were to be constructed, she felt that it was possible that the rear portion of her property might be developed in the



future. There are a number of potential interior lots in the subject neighborhood; and she did not feel that it would be wise to establish a precedent for development of those lots.

Anna Munz, 1537 Cole Street, displayed maps which indicated how the size of Lot 40 in Assessor's Block 1294 (the parcel of property presently under consideration) had been expanded over the years; and she pointed out that there are other properties in the area which could be used for further expansion of Lot 40 in the future. She stated that she was opposed to the applicant's proposal.

Ruth Rafael, 141 Carmel Street, stated that she was opposed to the proposed project because it would create over-crowded conditions, because it would result in an increase in noise and pollution, and because the project would pose the danger of slides and drainage problems. She believed that the project would have a detrimental effect on the entire neighborhood. She asked how access would be obtained to the portion of Lot 40 where the new dwelling units are proposed to be constructed if that portion were established as a separate lot. Mr. Steele replied that the owner of the property, in effecting lot split, would probably grant an access easement to himself over the remainder of the property.

Commissioner Dearman inquired about the applicant's intention with regard to the proposed lot splits.

Thomas G. Ellis, the applicant, stated that the merger of the lots had proven to be a disadvantage to him; and a City Attorney's opinion had been necessary to clarify the fact that the merger can be undone.

Albert Lanier, architect for the applicant, remarked that access easements are quite common in San Francisco.

Commissioner Dearman asked if it would be possible for the applicant to provide six off-street parking spaces for the new dwelling units instead of only three off-street parking spaces. Mr. Ellis replied that the carport would not have to be located as indicated on the plans; but he felt that the proposed location would be the best site for the carport. He had tried to meet with residents of the neighborhood to discuss the matter; however, they had been opposed to any new construction whatsoever.

Mr. Lanier stated that it would be possible to provide six new parking spaces on the property; and he believed that additional parking would be to his client's benefit. However, he had tried to preserve as much open space on the site as possible.

Mr. Ellis stated that the subject property had been on the market eighteen months; and he remarked that other residents of the neighborhood had had an equal opportunity to purchase the property. Before purchasing the lot, he had visited the Department of City Planning and had been advised that the property could be developed with three dwelling units. The dwelling units which he was proposing

1. The first of the three main groups of the population is the group of the population which is engaged in agriculture.

2. The second of the three main groups of the population is the group of the population which is engaged in industry.

3. The third of the three main groups of the population is the group of the population which is engaged in commerce.

4. The fourth of the three main groups of the population is the group of the population which is engaged in the service of the State.

5. The fifth of the three main groups of the population is the group of the population which is engaged in the service of the Church.

6. The sixth of the three main groups of the population is the group of the population which is engaged in the service of the family.

7. The seventh of the three main groups of the population is the group of the population which is engaged in the service of the community.

8. The eighth of the three main groups of the population is the group of the population which is engaged in the service of the nation.

9. The ninth of the three main groups of the population is the group of the population which is engaged in the service of the world.

10. The tenth of the three main groups of the population is the group of the population which is engaged in the service of the universe.

11. The eleventh of the three main groups of the population is the group of the population which is engaged in the service of the God.

12. The twelfth of the three main groups of the population is the group of the population which is engaged in the service of the Holy Spirit.

13. The thirteenth of the three main groups of the population is the group of the population which is engaged in the service of the Father.

14. The fourteenth of the three main groups of the population is the group of the population which is engaged in the service of the Son.

15. The fifteenth of the three main groups of the population is the group of the population which is engaged in the service of the Holy Trinity.

16. The sixteenth of the three main groups of the population is the group of the population which is engaged in the service of the Church.

17. The seventeenth of the three main groups of the population is the group of the population which is engaged in the service of the State.

18. The eighteenth of the three main groups of the population is the group of the population which is engaged in the service of the family.

19. The nineteenth of the three main groups of the population is the group of the population which is engaged in the service of the community.

20. The twentieth of the three main groups of the population is the group of the population which is engaged in the service of the nation.

21. The twenty-first of the three main groups of the population is the group of the population which is engaged in the service of the world.

22. The twenty-second of the three main groups of the population is the group of the population which is engaged in the service of the universe.

23. The twenty-third of the three main groups of the population is the group of the population which is engaged in the service of the God.

24. The twenty-fourth of the three main groups of the population is the group of the population which is engaged in the service of the Holy Spirit.

25. The twenty-fifth of the three main groups of the population is the group of the population which is engaged in the service of the Father.

26. The twenty-sixth of the three main groups of the population is the group of the population which is engaged in the service of the Son.

27. The twenty-seventh of the three main groups of the population is the group of the population which is engaged in the service of the Holy Trinity.

28. The twenty-eighth of the three main groups of the population is the group of the population which is engaged in the service of the Church.

29. The twenty-ninth of the three main groups of the population is the group of the population which is engaged in the service of the State.

30. The thirtieth of the three main groups of the population is the group of the population which is engaged in the service of the family.

would be top-quality family units with two bedroom each; and it would not result in the removal of any trees or blockage of views. The entire site is almost one-half acre in size; and, even with the new construction, only 29% of the site would be covered. The average coverage on the remainder of the block is 42%.

Commissioner Dearman asked if the coverage figure which had been cited by Mr. Ellis included the proposed carport. Mr. Lanier replied in the affirmative. Mr. Ellis stated that he had hired the best architect which he could find; and he indicated that he had tried to meet with neighboring property owners. In fact, he had even offered to sell the property to them. He stated that the subject property is his only investment and that it is held in trust for his children; and he advised the Commission that he has no plans to sell the property. He had met with representatives of the Fire Department; and he indicated that he would be willing to comply with the extra requirements which they had established for fire safety purposes. The City Attorney had given clearance to the proposed lot split; and he had received a letter from the Central Permit Bureau stating that his plans are in order.

Mr. Steele observed that the applicant would have to comply with the requirements of both the Department of Public Works and the Fire Department in order to obtain their approval for the proposed project.

Mr. Ellis stated that he felt that he had compromised as much as possible. However, he felt that he should have a right to use his land for its highest and best use; and he remarked that any new project would have to be economically feasible. Therefore, he urged that the application be approved by the Commission.

Mr. Steele recommended that the building permit application for construction of a new three-unit building on the subject property be disapproved because such development on the site would not be in keeping with the character of the neighborhood and would result in undue congestion detrimental to the liveability of the area. If the Commission so desired, it could subsequently consider the desirability of a two-unit or a single-unit project.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Starbuck, and carried unanimously that Resolution No. 7736 be adopted and that the building permit application for a three-unit building on the subject property be disapproved.

Mr. Steele, anticipating that the applicant would appeal the disapproval of the three-unit building to the Board of Permit Appeals, recommended that the Commission not undertake discretionary review of alternate projects involving two dwelling units or a single dwelling unit.

After discussion it was moved by Commissioner Starbuck and seconded by Commissioner Dearman that the Commission indicate its intention of conducting discretionary review of the alternate proposals.

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Mr. Steele felt that the same objections that had applied to a three-unit project would also apply to a one- or two-unit project.

Commissioner Rosenblatt stated that he assumed that one of the purposes of the motion was to encourage the applicant to meet with residents of the subject neighborhood to discuss a possible compromise; and he indicated that he would be supportive of that approach.

Mr. Lanier stated that his clients would be prepared to proceed with a two-unit project; and he hoped that such a project would be approved by the Commission during the current meeting. He indicated that his client had offered to meet with residents of the neighborhood when the matter was before the Commission on April 7; but that offer had been declined.

Ms. Crawford stated that she had not felt that it would be timely for residents of the neighborhood to meet with the applicant while the opinion from the City Attorney was pending.

Commissioner Starbuck stated that members of the Commission were not inclined to leave the applicant without any development alternative; however, they did wish to continue this matter for at least two weeks to provide an opportunity for further discussion at the neighborhood level.

After further discussion, the motion and second were amended to continue the consideration of the one- or two-unit alternative project until the meeting of June 23, 1977, at 3:30 p.m. When the question was called on the revised motion, the vote of the Commission was unanimous.

At this point in the proceedings, Commission Bierman returned to her seat at the Commission table.

EE75.423 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR PROPOSED ADDITIONS TO THE RALPH K. DAVIES MEDICAL CENTER (FRANKLIN HOSPITAL) IN THE BLOCK BOUNDED BY CASTRO, NOE AND 14TH STREETS AND DUBOCE AVENUE.

(CONTINUED FROM MEETINGS OF APRIL 28 AND FEBRUARY 24, 1977.)

Vice-President Rosenblatt, noting that the public hearing on this matter had been continued from the meeting of April 28, invited further public testimony.

The Commission then received and responded to comments made by members of the audience including Lucy Johns, a health care planner who had previously served on the Board of the San Francisco Comprehensive Health Planning Council; Peter Pursley, representing five neighborhood organizations in the area; Harvey Milk, representing the Castro Village Association; Betty Levitin, a resident of the Duboce Triangle area; Sue Hestor, representing San Francisco Tomorrow; Donald Lowe, 94 Castro Street; Dianna Young, representing the Duboce Environmental Village Association; Richard Dougherty, representing the California State Division of Aeronautics; Karen Apala, a resident of the neighborhood; and Harold Dobbs, attorney for the Ralph K. Davies Medical Center.

Selina Bendix, Environmental Review Officer, responded to some of the comments which had been made by members of the audience.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that the public hearing on this matter be closed.

After further discussion, it was moved by Commissioner Elliott, seconded by Commission Carey, and carried unanimously that the public hearing on the Draft Environmental Impact Report be closed.

Vice-President Rosenblatt stated that the matter would be taken under advisement indefinitely with the expectation that the earliest date that the completed document would be returned to the Commission for certification would be in approximately 30 days.

A standard tape-cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Paul Schiller, a court reporter, was present and will prepare a transcript which will be available in the files of the Department of City Planning.

At 4:00 p.m. Vice-president Rosenblatt announced a ten-minute recess. The Commission reconvened at 4:10 p.m. and proceeded with hearing of the remainder of the agenda.

CU77.15 - PIER 41, NORTH SIDE OF THE EMBARCADERO AT THE FOOT OF POWELL STREET.

REQUEST FOR AUTHORIZATION TO OPERATE A TEMPORARY PARKING LOT WITH 350 SPACES ON AN EXISTING PIER; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1 (EE76.239)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which is a pier with an open area of approximately 900 feet long and 200 feet wide for a total area of approximately 180,000 square feet. The pier is presently used for employee parking for Harbor Carriers, Inc. with 75 spaces and a public fishing area. Harbor Carriers, Inc. proposed to add 350 parking spaces to the pier to be used for public parking for a period of one year or until construction begins on Warren Simmons' North Point Pier Project which will include Pier 41. No change was being proposed for the fishing area; and Harbor Carriers, Inc. had indicated its intention to split any net profit from the parking lot with the Police Fishing Program. The application had been filed for the Chief Engineer of the San Francisco Port Commission.

Charles Vickers, Chief Engineer for the San Francisco Port Commission, stated that the basic intention was to use the pier area for parking only during the summer months. He indicated that several people in support of the proposal had been present in the audience earlier in the afternoon but had to leave because of the lateness of the hour.

Al Elledge, President of Harbor Carriers, Inc., stated that the Port Commission would receive 67½% of the gross receipts from the parking lot. While his firm would be willing to risk capital which would be necessary for the project, the parking would have to be in operation by mid-june in order to make a profit during the summer tourist season. If the application were to be disapproved, such an action would deprive the Port of revenue and would deprive the public of parking of reasonable rates.

Mr. Vickers advised the Commission that the Bay Conservation and Development Commission's Plan for the Northern Waterfront would allow the proposed parking if it were to be operated in conjunction with the fishing program.

Commissioner Rosenblatt inquired about the rates which would be charged for the proposed parking spaces. Mr. Elledge replied that the rate for up to four hours would probably range between \$2.00 and \$2.50; and all day parking would range between \$3.00 and \$4.00. Additional amounts would be charged for campers.

Commissioner Rosenblatt then asked when construction will begin on the Simmons project. Mr. Vickers replied that Mr. Simmons intends to initiate construction on Pier 39. Details of the breakwater proposed for Pier 41 are still being worked out with the Army Corps of Engineers; and he doubted that new construction on that pier would commence before the end of the year.

Commissioner Rosenblatt stated that he would like to have this matter continued so that the staff of the Department of City Planning could communicate directly with Mr. Simmons and his architect to obtain their best estimates of the phasing of their project. He also wished to have the staff analyze the parking rates which were being proposed by the applicant. It seemed to him that a fee of \$3.00 or \$4.00 a day for all day parking may be an incentive for long-term parking. He remarked that the proposed project would have a strong negative impact in terms of the Master Plan which had been adopted for the Northeastern Waterfront; and it would also conflict with the City's transit first policy. As a result, he felt that the Commission should have further estimates of the economic benefits which the project would bring to the Port.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that this matter be continued until the meeting of June 23, 1977, at 4:00 p.m.

CU77.21 - 476 FAIR OAKS STREET, WEST LINE, 59 FEET NORTH OF 26TH STREET.
REQUEST FOR AUTHORIZATION FOR A RESIDENTIAL CARE HOME FOR 15 AGED
PATIENTS IN AN EXISTING HOME WITH 12 PATIENTS; IN AN R-3 AND
PROPOSED RH-2 DISTRICT. (EE77.80)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 76 feet and a variable depth extending to 125 feet for a total area of 8,850 square feet. The applicant presently occupies the subject property as her

home and has a conditional use authorization for a convalescent hospital for 12 non-ambulatory patients which was granted in 1975. The applicant was requesting authorization to increase the existing occupancy of the residential care facility to 15 aged persons. Mr. Steele stated that the subject property is located in a district with a mixture of various residential densities; however, one- and two-family dwellings predominate. Two residential care facilities for the mentally handicapped and a convalescent hospital for more than six persons are located within a ten block radius of the subject property.

Chris Arandareff, representing the Fair Oaks Neighbors, stated that some of the residents of the neighborhood had signed a petition in opposition to the subject application because they felt that the proposed use would have a detrimental effect on the area. When the property was sold to the present owner, it was sold as a single-family house. Subsequently, it had been converted for its present use. Residents of the neighborhood were concerned about the proposed expansion of such a facility in their neighborhood. He remarked that a similar facility already exists at 354 Fair Oaks.

George Eren, 441 Fair Oaks Street, stated that the property had been sold one- and one-half years ago as a single family dwelling; and he did not believe that the number of convalescent patients should be expanded to fifteen. He stated that 42 residents of the neighborhood had signed a petition in opposition to the application. The neighborhood is zoned for residential use; and he did not feel that properties in the area should be used for commercial purposes.

Jesus Grepo, representing the applicant, stated that only two or three visitors come to the facility each week; and, as a result, he did not feel that it contributes to congestion in the area. Furthermore, residents of the home are elderly and do not have automobiles.

Commissioner Dearman inquired about the number of people who work in the convalescent home. Mr. Grepo replied that only one employee is hired in addition to family members.

Commissioner Dearman then asked why the applicant wished to expand the occupancy to fifteen patients. Mr. Grepo replied that the facility is equipped for fifteen patients; and he indicated that no exterior alterations would be required.

Commissioner Bierman asked if it were expected that the State would approve a permit for fifteen patients. Mr. Grepo replied in the affirmative.

Mr. Steele remarked that the City Planning Commission had granted conditional use authorization for 12 patients at the subject location in 1975; and he did not feel that three additional patients would substantially change the character of the operation. He noted that traffic and parking congestion is prevalent throughout San Francisco, particularly on small streets such as Fair Oaks Street. However, the convalescent home has few visitors; and its patients do not drive. He recommended that the application be approved subject to six specific conditions which are contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry must be clearly documented, including the date, amount, and purpose of the transaction. This ensures transparency and allows for easy verification of the data.

Furthermore, the document outlines the procedures for handling discrepancies. If there is a difference between the recorded amount and the actual amount, it is crucial to investigate the cause immediately. This could be due to a clerical error, a miscommunication, or a change in the terms of the transaction.

The second part of the document provides a detailed overview of the accounting system used. It describes the various accounts and how they are categorized. The system is designed to be flexible, allowing for the addition of new accounts as needed. It also includes a section on the periodic review of the accounts to ensure they remain up-to-date and accurate.

In addition, the document discusses the role of the accounting department in providing financial information to management. It highlights the importance of timely and accurate reporting, which enables management to make informed decisions about the company's financial health and future plans.

The document also covers the process of reconciling the accounts. This involves comparing the company's records with the bank statements to ensure that they match. Any differences must be identified and explained, and the accounts must be adjusted accordingly to maintain accuracy.

Finally, the document concludes with a summary of the key points discussed. It reiterates the importance of maintaining accurate records, handling discrepancies properly, and providing timely financial information to management. It also emphasizes the need for regular reconciliation of the accounts to ensure the integrity of the financial data.

Commissioner Bierman moved that the draft resolution be adopted. She remarked that the facility is already in existence; and, if the State should find that the facility cannot accommodate three additional patients, it will not grant a permit for increased occupancy.

Commissioner Starbuck seconded the motion. He also suggested that the applicant should arrange to meet with representatives of the neighborhood to discuss their specific concerns.

When the question was called, the Commission voted unanimously to adopt the draft resolution as City Planning Commission Resolution No. 7737 and to approve the application subject to the conditions which had been recommended by Mr. Steele.

CU77.23 - 716 SACRAMENTO STREET, NORTH LINE, 69 FEET WEST OF KEARNY STREET.
REQUEST FOR AUTHORIZATION FOR A 16-UNIT MULTIPLE DWELLING IN A
BUILDING ALSO CONTAINING EIGHT SHOPS; IN A C-3-O DISTRICT.
(EE77.66)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 40 feet on both Sacramento and Commercial Streets and a total area of 4,960 square feet. The property is occupied by a three-level brick building which covers 100% of the lot and which contains stores, offices, and three apartments. The applicant proposed to convert the existing building into a total of eight shops on the basement and ground levels and 16 dwelling units on the proposed mezzanine and second floor levels with four one-bedroom and four efficiency apartments on each level. No on-site parking would be provided. In a C-3-O district a multiple dwelling may be approved as a conditional use by the Commission for a total of one dwelling unit for each 125 square feet of lot area. Under that density standard, a theoretical maximum of 40 units could be developed on the subject site. The City Planning Code would require one off-street parking space for each dwelling unit; and rear yard and coverage standards would be equivalent to those of the nearest residential district. However, the applicant had applied for parking and open space variances from the City Planning Code standards. No date had yet been set for the hearing on the requested variances.

Vice-president Rosenblatt asked if anyone were present to speak in opposition to the application and received a negative response.

Rai Y. Okamoto, Director of Planning, stated that he had some concerns about the project insofar as remodeling limitations would make some of the dwelling units less than desirable. However, since the proposed dwelling units would supply additional needed housing in the Chinatown area in which housing is in short supply, he recommended that the application be approved subject to two specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission.

After discussion it was moved by Commissioner Dearman, seconded by Commissioner Carey, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7738 and that the application be approved subject to the conditions which had been recommended by the Director of Planning.

CU77.29 - 2215 JUDAH STREET, SOUTH LINE, 57.5 FEET WEST OF 27TH AVENUE. REQUEST FOR AUTHORIZATION FOR USE OF AN EXISTING BUILDING AS OFFICES FOR A PHILANTHROPIC ORGANIZATION; IN AN R-3 AND PROPOSED R-C-1 DISTRICT. (EE77.113)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 25 feet and a depth of 100 feet for a total area of 2500 square feet. The property is occupied by a vacant wood frame building which was formerly used as the office and meeting hall for the Baha'i Center. There are no parking spaces on the site. The building was built as a union office and hall in 1960 with a Board of Director's room upstairs and a business manager's office and reception hall on the main floor. A one-story meeting hall of 1150 square feet is located at the rear of the building. The building has a front courtyard but no rear yard. The applicant proposed to use the existing building as the offices and meeting hall for Hadassah, a philanthropic institution. No alterations were being proposed for the building. The group has two employees and 100 members, all of whom are women.

Vice-president Rosenblatt asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

Mr. Steele recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7739 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU77.17 - 145 GUERRERO STREET, EAST LINE, BETWEEN CLINTON PARK AND BROSNAN STREETS. REQUEST FOR AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT CONSISTING OF A 5-STORY MULTIPLE DWELLING PROVIDING 110 UNITS OF HOUSING FOR THE ELDERLY SERVED BY 22 ON-SITE PARKING SPACES; IN AN R-3 AND PROPOSED RM-1 DISTRICT. (EE77.67)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 160 feet on Guerrero Street and a depth of 280 feet on both Clinton Park and Brosnan Streets for a total area of 44,800 square feet. The property was formerly occupied by Mary's Help Hospital which has been razed. The western portion of the lot is presently used for parking. The applicant, the St. Francis of Assisi Community, Inc., proposed to construct 110 units of housing for the elderly in a five-story structure with an adjacent one-story community facilities building. Most of the dwelling units would have one bedroom. A total of twenty off-street parking would be provided, 14 of which would be covered. The proposal had been

submitted in the form of a Planned Unit Development for the purpose of drawing together the different residential density requirements of the R-4 and R-3 districts which pertain to the property. In addition, the Planned Unit Development approach would permit flexibility in the location of open space and rear yard areas and in the number of floors of occupancy. An application for a variance from the parking standards of the City Planning Code had been filed and had been heard by the Zoning Administrator.

Vice-President Rosenblatt asked if anyone were present in the audience to speak in opposition to the subject application and received a negative response.

Mr. Steele stated that residents of Clinton Park had initially expressed considerable opposition to the proposed project. However, since setbacks had been provided and the height of the project had been reduced from 50 feet to 40 feet, he noted that the project would have no greater impact than would occur if the property were to be subdivided and developed on a lot-by-lot basis. He recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion, it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7740 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

CU77.28 - FRANCISCO BAY OFFICE PARK BOUNDED BY BAY, CHESTNUT, MONTGOMERY, FRANCISCO AND KEARNY STREETS AND THE EMBARCADERO.
REQUEST FOR MODIFICATION OF CITY PLANNING COMMISSION RESOLUTION NO. 7115 TO ALLOW ETCHED GLASS AND WOOD EXTERIOR ENTRANCE STRUCTURE AT 35 BAY STREET FOR A RESTAURANT IN A GARAGE BUILDING; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 3. (EE74,245 AND EE73,148)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the City Planning Commission had approved Francisco Bay Office Park as a Planned Unit Development in 1973. The resolution adopted by the Commission at that time contained two conditions which read as follows:

"Condition 10. The general form of the proposed buildings shall be as shown on Exhibit A. No overhangs of adjacent street areas by any portion of the proposed development shall be permitted.

"Condition No. 12. (as amended) Exterior building materials shall be concrete, brick tile, and clear glass on the ground floor, and clear or light tinted glass on the upper floors, except that wood siding and/or shingles may be used as exterior building materials on the restaurant to be built on Lot 36."

The subject application had been filed to request modification of amended Condition No. 12 to allow etched glass instead of only clear glass and to modify Condition No. 10 to allow a restaurant structure which would be outside of the building. Both modifications were related to a restaurant being constructed in the ground level of the parking garage at the corner of Bay and Kearny Streets.

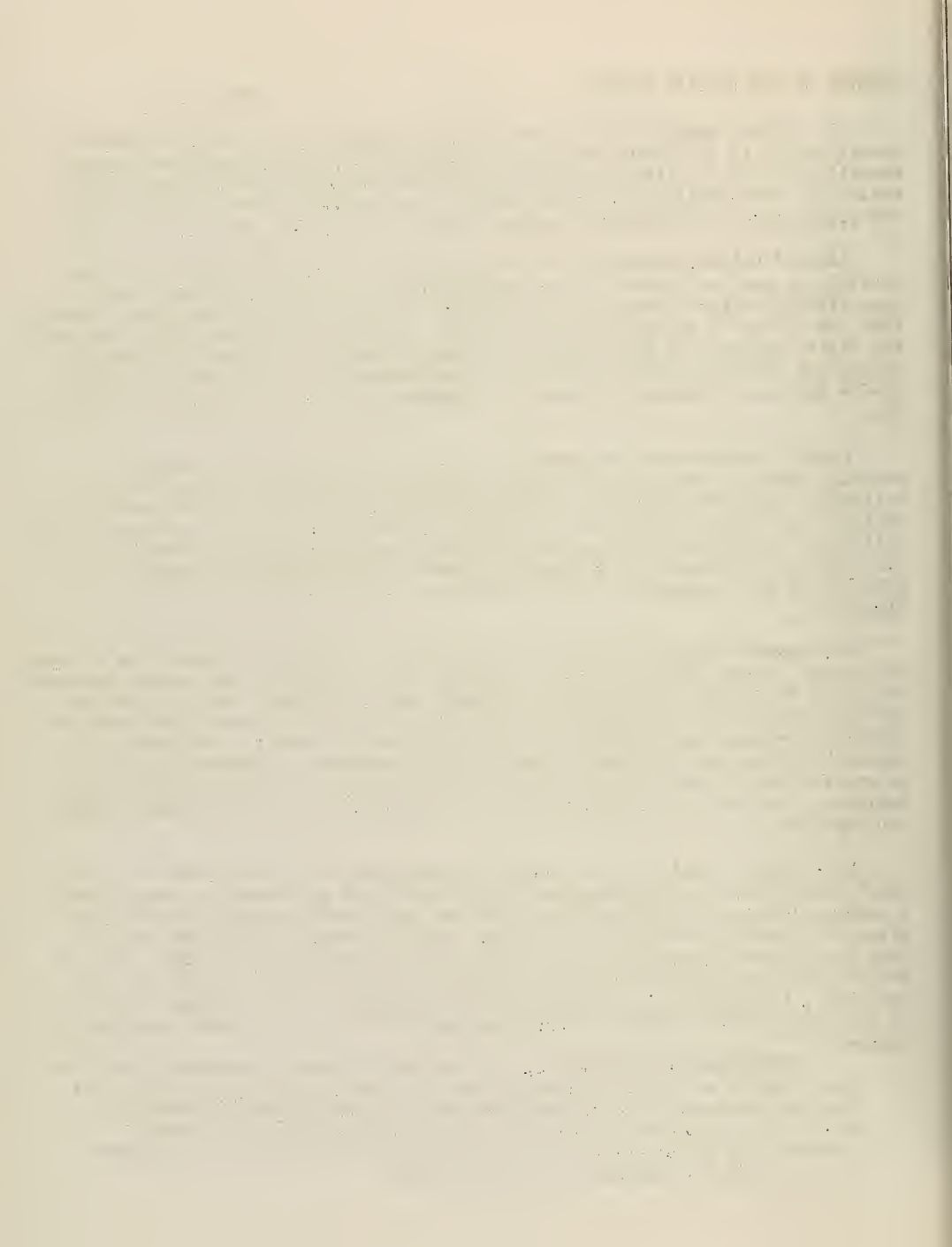
Richard Watson, architect for the applicant, felt that it should have been possible to work out these trivial matters with the staff of the Department of City Planning without having to come before the City Planning Commission. However, they had reached a stalemate with the staff. He stated that the building in which the restaurant will be located does not have the necessary warmth to encourage pedestrian interest; and as a result, he had proposed to use etched glass and a wooden entrance structure to enhance the appearance of the exterior of the building.

Robert Papadopolous, the applicant, stated that the entrance structure, or pergola, would be very small in scale compared with the entire facade of the building; and he believed that the only objection of the staff to the pergola as designed was that it would have a vertical projection above the first floor of the building. Use of etched glass was intended to serve the purpose of making it an "introductory statement" to prospective patrons of the proposed restaurant. He distributed photographs of a similar restaurant which had been constructed in Stockton.

Mr. Eppominondas, President of the firm which intended to operate the proposed restaurant, stated that the subject building and its location has certain drawbacks as far as restaurant occupancy is concerned; and he indicated that his firm had had the property under consideration for a long time. He believed that some considerable courage was involved in risking \$750,000 to install a restaurant in a garage building; and, in order to protect his investment, he wished to construct an entryway which would clearly identify the presence of a restaurant in the building. He advised the Commission that the restaurant would have approximately 100 employees.

Mr. Steele stated that the conditions which had been established in the original conditional use authorization as granted by the Commission had been amended a number of times. He did not feel that the applicant's proposal to use etched glass was a matter to warrant significant concern; however, he did not believe that the proposed pergola would be appropriate for the subject building. The pergola would extend above the first floor level of the building; but, more importantly, it would not be compatible with the design of the building. Therefore, he recommended that a draft resolution be adopted with the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission finds that the criteria set forth in Section 303(c) of the City Planning Code are met for the proposed use of etched glass and the MODIFICATION of RESOLUTION NO. 7115 and said Conditional Use is hereby AUTHORIZED to the extent necessary to allow up to five percent of the total surface of each window in the subject restaurant to be etched; and



"BE IT FURTHER RESOLVED, That the Commission finds that the criteria set forth in Section 303(c) of the City Planning Code are not met for the proposed wood entrance structure and said part of application CU77.28 is hereby DISAPPROVED."

It was moved by Commissioner Bierman and seconded by Commissioner Starbuck that the draft resolution be adopted.

Commissioner Elliott offered a substitute motion under which the proposed pergola, also, would be approved. While he recognized that it was incumbent upon the staff to uphold certain standards for Planned Unit Developments, he remarked that the purpose of having a Commission is so that other factors can sometimes be considered. It appeared that the applicant was making a large financial commitment; and he believed that the Commission should do everything possible within reason to help make the project a success. Furthermore, it did not seem to him that a major issue was at stake.

The substitute motion was seconded by Commissioner Starbuck for purposes of discussion.

Rai Y. Okamoto, Director of Planning, acknowledged that the issue of the pergola may seem to be of a trivial nature; however, he felt that it related to the broader question of whether the City will be able to exercise any urban design standards whatsoever. He remarked that the staff of the Department of City Planning could have accepted a variation in the design of the proposed building which respected the principal elements of the structure; however, the proposed pergola would violate the design standards which have been established when the Planned Unit Development was authorized. He regarded the design of the pergola to be on the order of a trademark for the restaurant which will occupy the building; and he felt that chains or firms coming into San Francisco should be prepared to modify their trademarks to conform to local design standards.

Mr. Eppominondas pointed out that the entrance to the proposed restaurant would be located directly across the street from a sewer plant; and he felt that it was important that prospective customers should be able to recognize that the entrance leads to a restaurant.

When the question was called on the substitute motion, the motion failed by a vote of one to five. Commissioner Elliott voted "aye"; and Commissioners Bierman, Carey, Dearman, Starbuck, and Rosenblatt voted "no".

When the question was called on the main motion, the Commission voted unanimously to adopt the draft resolution which had been recommended by Mr. Steele as City Planning Commission Resolution No. 7741 and to approve the application in part and to disapprove the application in part.

CU77.30 - 43 MAIN STREET, EAST LINE, 229 FEET SOUTH OF MARKET STREET; AND 38-68 SPEAR STREET, WEST LINE, 183 FEET SOUTH OF MARKET STREET. REQUEST FOR AUTHORIZATION FOR A TEMPORARY PARKING LOT FOR 55 AUTOMOBILES; IN A C-3-O USE AND 600-I AND 150 X HEIGHT AND BULK DISTRICTS. (EE77.119)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which consists of two lots having a total area of 17,652 square feet. He stated that the property is presently being used as a public parking lot of 55 cars. The parking lot is being operated without City approval as an addition to a previously approved lot to the south along Main Street. The applicant was requesting that the present use of the property be legalized. The applicant had noted that the use would be temporary in nature until the owner of the property, the Federal Reserve Bank, develops the site.

Gerald R. Baker, representing the Metropolitan Parking Corporation, identified himself as the applicant. He indicated that the building which had previously occupied the site was unsafe and had been demolished in 1973. Subsequently, the lot had been paved and landscaping and lighting had been installed so that it could be used as a parking lot. He stated that the Federal Reserve Bank plans to construct a building on the site in the near future; and, as a result, the parking lot would remain only on a temporary basis. He stated that the rate charged for parking is 50¢ for each half hour reaching a maximum of \$3.50. Therefore, the facility is designed for short-term parking. Between 40 and 50 monthly stalls are available on the subject property and the adjacent lot.

Mr. Steele recommended that the application be disapproved. He noted that the subject property is located within the downtown core area; and he believed that continued use of the subject property as a parking lot would be detrimental to the surrounding neighborhood in that the use promotes both long- and short-term parking and discourages the use of public transit available in the area, including Municipal Railway bus and rail lines, Transbay bus lines and the BART line. He also recommended that the City Planning Commission request the Zoning Administrator to take immediate action to enforce the provisions of the City Planning Code in this matter.

Commissioner Dearman asked why Mr. Steele had recommended the Commission to request the Zoning Administrator to take immediate action to enforce the provisions of the City Planning Code in this matter. Mr. Steele replied that violations of the City Planning Code are usually processed in the order in which they are received; however, he felt that it would be appropriate to seek elimination of the illegal parking lot as soon as possible.

After discussion it was moved by Commissioner Carey, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7742 be adopted disapproving the subject application and requesting the Zoning Administrator to take immediate action to enforce the provisions of the City Planning Code in this matter.

CU77.31 - 810 CAPP STREET, WEST LINE, 100 FEET SOUTH OF 23RD STREET.
REQUEST FOR AUTHORIZATION FOR A COMMUNITY MENTAL HEALTH
RESIDENTIAL PROGRAM FOR TEN MEN AND WOMEN IN AN EXISTING
DWELLING; IN AN R-3 AND PROPOSED RH-3 DISTRICT. (EE77.134)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a frontage of 35 feet and a depth of 122.5 feet for a total area of 4,287.5 square feet. The property is occupied by a vacant three-story single-family house which has 3,000 square feet of floor space. Off-street parking for four automobiles is available in the existing 55-foot rear yard and in the 15-foot side yard existing along the southern property line. The applicant proposed to operate a community mental health residential program for ten men and women in the existing house. The program is administered by the Progress Foundation as one of the services of the District 1 Community Health Center and is funded by a Federal Conversion Grant awarded to the San Francisco Department of Community Health Services. Residents of the facility would not have cars. The residents would be former mental patients developing the ability to be independent. They would have twenty-four hour supervision by the staff of the Progress Foundation.

Vice-president Rosenblatt asked if anyone were present in the audience to speak in opposition to the application.

Helen Grossman, owner of property at 825-27 Capp Street, stated that she was not concerned about the proposed use of the property but indicated that she was concerned that a reasonable investment be made in the property. She advised the Commission that the house is a very old building which has not been occupied for a number of years; and there is an old barn in the rear yard area of the property.

Steven Fields, Director of the Progress Foundation, stated that the grant which his organization had received would provide funds up to \$35,000 for rehabilitation of the building. He indicated that the barn structure will be renovated or torn down. After Mrs. Grossman questioned whether \$35,000 would be adequate to rehabilitate the building, Mr. Field stated that the plumbing and electricity in the building are new and in sound condition. The \$35,000 would be used for painting and for repairing floors in the building.

Mrs. Grossman then asked if the project would be supervised to make sure that the building is renovated and that the applicants do not exploit or overuse the property. Mr. Field stated that his organization had been working with the Mission Planning Council; and he assured Mrs. Grossman that it was his intention to make the building and the use compatible with the neighborhood.

Vice-president Rosenblatt requested the applicants to meet with Mrs. Grossman to discuss their project.

Mr. Steele recommended that the application be approved subject to four specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Elliott, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7743 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

DR77.35 - 900 ASHBURY STREET, EAST LINE, 104 FEET NORTH OF PIEDMONT STREET. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR CONVERSION OF THE EXISTING BUILDING INTO FOUR DWELLING UNITS ON A LOT OF 5,312 SQUARE FEET; IN AN R-3 AND PROPOSED RH-3 DISTRICT.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has a 50-foot frontage on Ashbury Street and a depth of 106 feet for a total area of 5,312 square feet. The property is occupied by a four-floor building which contains nine bedrooms and is used as a boarding house and as a social club for the All Cossacks Union of San Francisco. A two-car brick garage is located in the rear yard of the property. The applicant proposed to remodel the existing building into a multiple dwelling containing four units including a four-bedroom two-level unit on the second and third floors, a one-bedroom unit on the ground floor, and two one-bedroom units on the fourth floor. One additional parking space would be added by paving a portion of the rear yard. New wooden stairs and a second floor entry landing on the north and east sides of the building were the only exterior alterations being proposed. He stated that the owner had applied for a parking variance which would allow encroachment into the rear yard for the additional parking space; however, no date had yet been set for a hearing before the Zoning Administrator on that matter.

Vice-president Rosenblatt asked if anyone were present in the audience to speak in opposition to the application and received a negative response.

Mr. Steele recommended that the application be approved subject to two conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. The first condition specified that the exterior of the building should not be altered from its present low-density residential character and that the building and grounds should be kept in a neat and attractive manner. The second condition specified that the authorization would be contingent upon the granting of any necessary variances by the Zoning Administrator.

Commissioner Dearman, remarking that parking is a serious problem in the subject neighborhood, asked if it would be possible to provide additional parking spaces on the property.

Robert Passmore, Planner V (Zoning), stated that it has been the procedure of the Department to allow conversion of boarding houses to residences without requiring that additional parking be provided since such conversions do not worsen parking conditions.

Robert Olsen, the owner of the subject property, stated that there would be room to provide an additional tandem parking space; however, such spaces are not allowed.

After further discussion, it was moved by Commissioner Ellicott, seconded by Commissioner Carey and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7744 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

DR77.37 - 39A MONROE STREET, WEST LINE, 69 FEET SOUTH OF PINE STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION
FOR A TEN-UNIT RESIDENTIAL BUILDING HAVING AN AVERAGE HEIGHT OF
54 FEET; IN AN R-5 AND PROPOSED R-C-3 USE AND A 160-F HEIGHT
AND BULK DISTRICT. (EE77.58)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the owner of the subject property had terminated her agreement for sale of the property to the applicant and had revoked her authorization for the filing of the subject conditional use application. Therefore, the application was deemed incomplete; and he recommended that it be withdrawn without prejudice.

It was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that the application be deemed to be incomplete and that it be withdrawn without prejudice.

DR77.22 - 900 BUSH STREET, NORTHWEST CORNER OF TAYLOR STREET.
DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR
A 150-UNIT RESIDENTIAL BUILDING HAVING A HEIGHT OF 124 FEET; IN
AN R-5-C AND PROPOSED R-4-C USE AND 160-F HEIGHT AND BULK DISTRICT.
(EE77.81)

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), referred to land use and zoning maps to describe the subject property which has frontages of 220 feet on Bush Street and 137.5 feet on Taylor Street for a total area of 30,250 square feet. The property is presently occupied by a public parking garage with 200 parking spaces, an automobile repair garage, and a small restaurant at the corner.

The applicant proposed to construct a 150-unit, middle-income, FHA-financed, residential building with 150 off-street parking spaces with access on Bush and Taylor Streets. There would be ground floor commercial spaces, a mini-plaza and a tennis court. The building would be 124 feet in height.

Stephen Barazin, representing the applicant, stated that he wished to emphasize that the project was designed to be financed under HUD financing for middle-income tenants. He indicated that he was prepared to respond to any questions which might be raised by members of the Commission.

Maureen Knowlton, representing the Nob Hill Neighbors, stated that her association had recommended that a 40-foot height limit be established for the subject property; and although that proposal had been disapproved, she felt that the height of the proposed building would be inappropriate in the subject neighborhood. Furthermore, the proposed building would displace an existing automobile garage; and she remarked that parking is a problem in the neighborhood. Finally, she expected that the commercial uses proposed for the ground floor of the proposed building would bring even more traffic to the area.

Dick Sawyer, a resident of the neighborhood, stated that he was concerned about the problem of parking. He expected that people who would live in the proposed building would have more than one automobile; and, if the existing parking garage were removed, there would be no place for them to park. He stated that he uses the existing parking garage for visitor parking; and he also has his automobile serviced in the garage. He indicated that the neighborhood has trash collection problems; and he observed that no studies had been done of waste conditions in the area. He was also concerned about the additional noise which the proposed building would generate. He felt that it would be preferable if the subject property were to be developed with a condominium building or with a low-rise building with low-income units.

Loreta Mouber, owner of the Mayflower Hotel, read the following statement:

"I wish to ask a postponement of the June 2, 1977 hearing for discretionary review or a continuance so that the neighbors and property owners shall have sufficient time to properly protest and petition.

"We have only had a few days notice (mine was mailed May, 17, 1977) and a couple of the property owners concerned are away.

"Continuance or Postponement

1. So that a thorough Environmental Impact Report be made.

"A Social Planning Report Be Made. I wish a complete analysis of each item specified under the Environmental Impact Report.

1. The traffic congestion created by 200 more people, their guests and all of their cars (tenants & guests); and, consider that Bush Street is a one-way heavily used thoroughfare.

"The Park Problem

1. 200 tenants will sometime leave their cars out.
2. 200 tenants guests will need parking.
3. Benihana now uses Bohemian Garage. Where will cars go if hi-rise is there?
4. Boarding House - now uses Bohemian Garage. Where will their cars go?
5. Almost 98% of surrounding apartments have no garages. Some park at Bohemian Garage. Where will their cars go?
6. Mayflower - some tenants use Bohemian Garage. Where will their cars go?
7. There is a critical parking problem now without said 150 units.
8. The white zone - the yellow zone, - the garage entrance of the Mayflower Hotel. Many times a day have people parked in said zones.
 - (a) It impedes our business.
 - (b) Emergency vehicles can't find parking spaces. (Explanation - the other day an ambulance taking a man with a heart attack, had to double park while a car was on our white zone.)
 - (c) Fire Department vehicles-many times cars are parked by hydrants.
3. The water problem - will it be worse or ameliorated by 200 more tenants? Aren't we in a period of drought? All of the apartments in the area are semi-rationed. How can a 150 unit be permitted now?
4. The electricity problem
 - (a) Will it be worse with 200 more tenants?
 - (b) Aren't we in a period of drought?
 - (c) All surrounds apartments in the area are limited as to electricity.
 - (d) How can a 150 unit be permitted now?? (Or are they going to use candles?)
5. The Sewer Problem
6. The Economic Problem
 - (a) Vacancies in area - numerous in each building.
 - (b) No need therefore for 150 more units.
 - (c) Will a hi-rise devalue adjacent property? Yes, it will block view of many condominiums such as Pine Terrace - 1001 Pine. It will devalue their property.

7. The aesthetic Impact

- (a) Cuts view of Pine Terrace, etc.
- (b) Will stand out like a sore thumb - all other apartments on Bush Street are six floors or less.

8. Only residential hi-rise on Bush Street.

9. Why not hi-rise in an area where there is a need instead of forcing one in an area where there is not only no need (vacancies galore) but also, where it would create problems that were not there before. Havoc would be created.

"A Social Planning Report

- 1. Is there an economic need in area? No. What is the economic impact?
- 2. Schooling Impact of 150 units on Bush Street?
- 3. Impact on Recreation?
- 4. Impact on Water?
- 5. Impact on Electricity?
- 6. Impact on Crime?
- 7. Impact on Narcotics
- 8. Any additional problems?
 - (1) Parking
 - (2) Traffic Congestion

"As far as I can see this might be a good tax gimmick for a developer, but it will not ameliorate any problems of the area. It will add to the problems and create new problems."

Commissioner Elliott asked if an appeal of the staff's negative declaration for the project is pending. Mr. Steele replied in the negative, indicating that the announcement of the negative declaration was issued on May 10 and became final on May 24. Therefore, the appeal period had passed. Ms. Moubert stated that she is fairly alert; however, she had not known that a negative declaration had been issued by the staff of the Department of City Planning.

Mr. Steele asked the representative of the Nob Hill Neighbors if that association had been aware of the negative declaration. Ms. Knowlton stated that the President of her association had asked her to write a letter requesting that an Environmental Impact Report be prepared; however, the staff of the Department of City Planning had replied that the letter had been received too late.

Mr. Steele stated that the official notice of the negative declaration had been advertised in the official advertising newspaper. In addition, a neighborhood liaison planner from the Department of City Planning had met with representatives of the neighborhood to discuss the issue.

Mr. Berezin confirmed that he and Alan Billingsley of the staff of the Department of City Planning had met with representatives of the Pine Terrace Condominium Association. Those individuals had been advised of the negative declaration and of the fact that there would be a \$25.00 filing fee for any appeal which they wished to make.

Residents of the Pine Terrace Apartments who were present in the audience stated that they did not remember that the issuance of a negative declaration or the possibility of an appeal had been mentioned.

Commission Bierman remarked that the building which was being proposed would be quite large; and she asked how the height of the building would compare with the height of surrounding buildings. Mr. Steele replied that the proposed building would have a height of 124 feet. The property is subject to a 150-foot height limit. The staff of the Department of City Planning did not feel that the proposed building would be out of character with the neighborhood.

Commissioner Bierman then observed that there are many vacancies in the subject neighborhood; and, as a result, she felt that it would be difficult to argue that there is a need for the proposed building.

Commissioner Elliott stated that he was concerned about the fact that the project would result in the removal of 200 public parking spaces; and he asked if those spaces are being used at the present time. Mr. Steele replied that he did not know the answer to that question.

Commissioner Bierman asked if the subject property had already been sold to the applicant. Mr. Berezin replied that the applicant has a contract to purchase the property.

Commissioner Bierman remarked that some of the buildings in the subject neighborhood have been carefully designed and have a great deal of character; and she believed that the proposed building would be out of character with the neighborhood.

Commissioner Dearman stated that she did not agree with the staff of the Department of City Planning that the proposed building would be in keeping with the character of the neighborhood. Furthermore, she felt that residents of the neighborhood should be given additional time to familiarize themselves with the proposed project.

William Lawson, owner of a 50-unit building at 947 Bush Street which is located directly across the street from the subject property, stated that he was concerned about any proposed development which might have an adverse affect on his property value. However, the applicant and his architect had advised him that two bedroom

units in the proposed building would rent for \$400-\$500; and he remarked that those rates would be substantially higher than prevailing rates in the neighborhood at the present time. As a result, he felt that the proposed building might enhance the neighborhood. He remarked that the existing garage building is a rather old structure. The automobile repair garage creates a great deal of noise and is not appropriate in a residential district; and the bar on the corner also creates noise. He agreed that there was no indication that there is a need for the proposed building; however, he did not feel that it would harm the neighborhood.

Mr. Steele recommended that this matter be continued until the Commission's regular meeting on July 7.

It was moved by Commissioner Dearman and seconded by Commission Bierman that the matter be continued until the meeting of July 7, 1977.

Commissioner Bierman stated that she would like to have additional information concerning the shadows which would be cast by the proposed building and the need for the existing garage.

Commissioner Elliott asked if the continuance to the meeting of July 7 would result in a hardship for the applicant.

The applicant's architect stated that the proposed building would be smaller than others which exist in the neighborhood. He had talked with Ms. Moubert; but she had assumed that the building would be occupied by low-income people and had been unwilling to listen to his explanation of the project.

Commissioner Bierman asked about the rates which were being contemplated by the applicant. Mr. Berezin replied that the building would have 90 one-bedroom units which would have rents ranging from \$420 to \$465 and 62 two-bedroom units which would have rents ranging from \$525 to \$565. In reply to Commissioner Elliott's question, he stated that the proposed project was dependent on seven percent mortgage financing from HUD; and those funds would be available only through September 30. If the Commission were to delay action on the application until July 7, he felt that he would not be able to meet the September 30 deadline. Furthermore, he believed that the neighborhood had been properly notified of the proposal; and he had met with several members of the community. Therefore, he did not feel that the proposed delay would be necessary; and he hoped that the Commission would take action on the subject application during the present meeting.

When the question was called on the motion to continue this matter until July 7, a tie vote resulted. Commissioners Bierman, Dearman, and Starbuck voted "Aye"; Commissioners Carey, Elliott, and Rosenblatt voted "No".

Mr. Steele recommended that the application be approved subject to five conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Rosenblatt asked if the terms of the draft resolution would allow the applicant to proceed with a market rate project if HUD financing should prove to be unavailable. Mr. Steele replied in the affirmative.

Commissioner Rosenblatt then remarked that he felt that the proposed building would fulfill a need for moderate-income housing in San Francisco; and he suggested that the resolution should contain an additional condition requiring that moderate-income housing be provided.

Mr. Steele remarked that the Commission could require that the initial financing should be for moderate-income housing; however, he pointed out that the building could always be re-financed at a later date.

Mr. Berezin stated that the project would be feasible only with FHA financing under present economic conditions since he did not feel that the rental market in the area could sustain market-rate housing. Therefore, he would not object to a condition requiring that the project be constructed with FHA financing.

Commissioner Rosenblatt stated that he would like to have a sixth condition added to the draft resolution requiring that the project be tied to FHA financing.

After further discussion, it was moved by Commissioner Elliott and seconded by Commissioner Carey that the draft resolution, as amended be adopted.

Commissioner Bierman stated that she was still of the opinion that more information was needed concerning the proposed project.

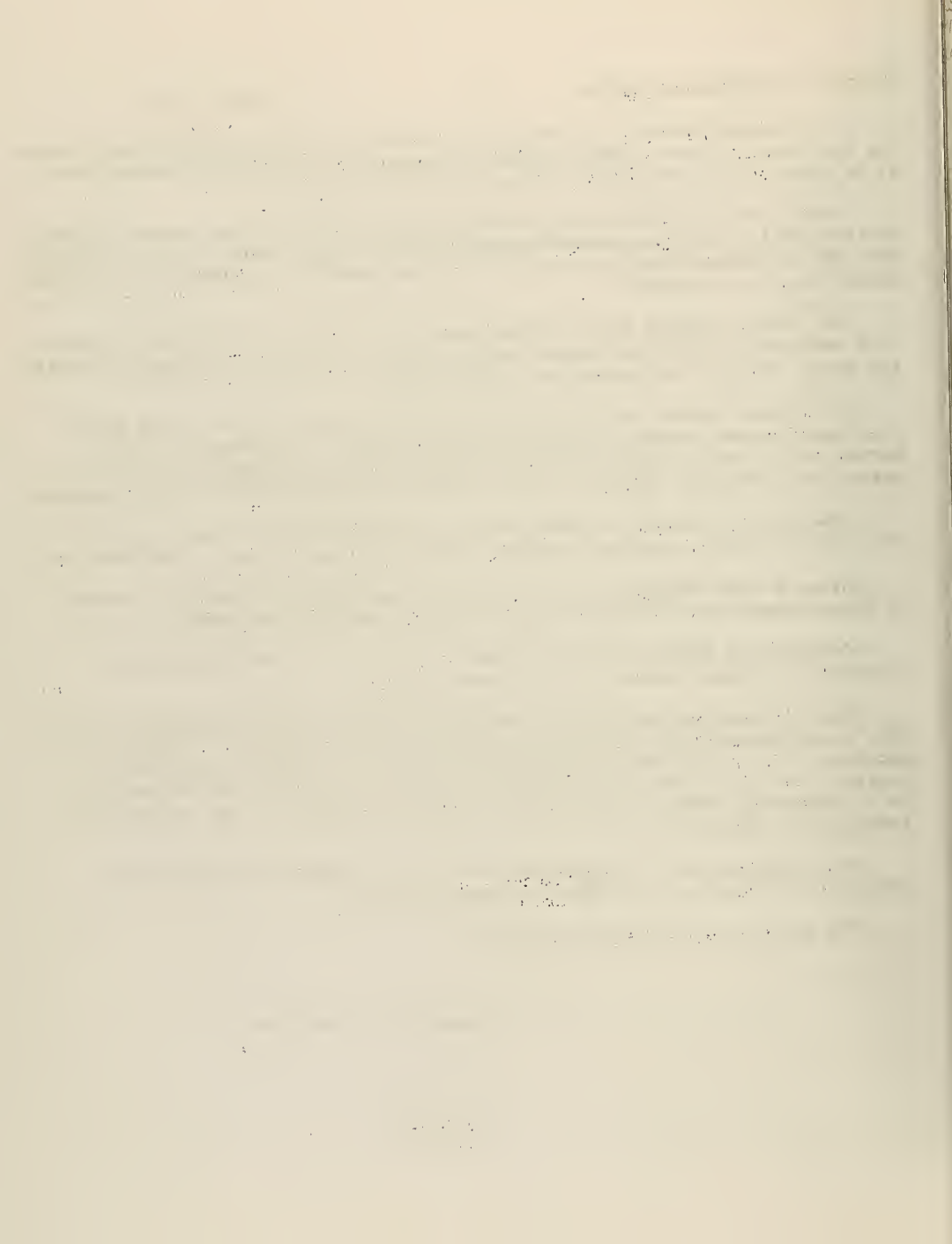
When the question was called, Commissioners Carey, Elliott, Rosenblatt voted "Aye"; and Commissioners Bierman, Dearman, and Starbuck Voted "No". Therefore, in accordance with the Rules and Regulations of the City Planning Commission which provide that "A tie vote on any matter before the Commission shall be deemed to be a disapproval thereof", Resolution No. 7746 was adopted and the subject application was disapproved.

Mr. Steele advised the applicant that he had the option of appealing the Commission's decision to the Board of Permit Appeals.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 9, 1977.

The City Planning Commission met pursuant to notice on Thursday, June 9, 1977, at 2:00 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, Ina F. Dearman, Virgil L. Elliott, Charles Starbuck and John Wentz, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator); Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Robert Feldman, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of April 14 be approved with corrections and that the minutes of the meeting of April 28 be approved as submitted.

At this point in the proceedings, President Lau arrived in the meeting room and assumed the chair from Vice-President Rosenblatt.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, announced that the first official public hearing on the proposal to designate the Hayes Valley-Western Addition as a Rehabilitation Assistance Program (RAP) area will be held this Saturday, June 11, from 10:00 a.m. to 1:30 p.m. at the John Muir School, 380 Webster Street.

The Director requested that a meeting of the Implementation Committee (Commissioners Starbuck, Bierman and Dearman) be scheduled on Thursday, June 23, at 1:00 p.m. to discuss the Residential Zoning Study.

The Director reminded the Commission of a public hearing scheduled on the Draft Environmental Impact Report for the Westside Transport/Storage Project on Tuesday, June 21, at 2:30 p.m. and at 7:30 p.m.

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The Director reported that the Board of Supervisors, meeting on Monday, had continued consideration of the Pets Unlimited matter and the appeal of the Commission's disapproval of a rezoning of property at Oak and Divisadero Streets until its meeting on June 13.

The Director reported that the owner of property at 370-74 Monterey Boulevard had filed a claim against the City based on the City's disapproval of a building permit application for that property.

The Director advised the Commission that the Legislative and Personnel Committee of the Board of Supervisors, meeting on Tuesday, had tabled the proposal to create a new Transportation Commission, pending further review.

Commission Elliott, noting that a number of private hospitals have come before the Commission with proposals for providing emergency services, stated that he felt that recognition should be taken of the fact that a great deal of public money has been spent to provide the best possible facilities for emergency care at San Francisco General Hospital.

The Director reported that the staff will recommend to the Department of Public Works that the international symbols for "walk" and "wait" be incorporated into the city's pedestrian traffic control signs as existing signs are replaced.

EE76.420 - CONSIDERATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR
PERFORMING ARTS' CENTER GARAGE, GROVE STREET BETWEEN COUGH
AND FRANKLIN STREETS.
(UNDER ADVISEMENT FROM MEETINGS OF APRIL 28 AND APRIL 7, 1977.)

Alec Bash, City Planning Coordinator, presented modifications and additions to Chapter XIII, Summary of Comments and Responses, of the Draft Environmental Impact Report. Following the presentation, he responded to questions raised by members of the Commission.

The Commission then received comments from Paul Hardman, of the Pride Foundation; Anna Darden, President of the Haight Ashbury Neighborhood Council; and Samuel Stewart, President of the Sponsors of the San Francisco Performing Arts Center, Inc.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), recommended that adoption of a draft resolution which contained the following resolved clauses:

"THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby find that the Final Environmental Impact Report, dated June 9, 1977, concerning EE76.420, San Francisco Performing Arts Center Garage, is adequate, accurate and objective, and does hereby CERTIFY THE COMPLETION of said Report in compliance with the California Environmental Quality Act and the State Guidelines;

"AND BE IT FURTHER RESOLVED, That the Commission in certifying the completion of said Report does hereby find that the project as proposed will not have significant effect on the environment;

"AND BE IT FURTHER RESOLVED, That the Commission, before reviewing the project itself for conformity with the Master Plan under R77.8, does hereby certify that it has reviewed and considered the information contained in said Final Environmental Impact Report."

Commissioner Bierman stated that she was not completely satisfied with all of the data contained in the Environmental Impact Report. However, she doubted that any significant new material would be forthcoming if certification were to be delayed; and, since she did not believe in holding projects up unnecessarily, she indicated that she would vote for certification of the report.

It was moved by Commissioner Rosenblatt, seconded by Commission Elliott, and carried unanimously that the draft resolution which had been recommended by Mr. Steele be adopted as City Planning Commission Resolution No. 7747.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription. In addition, Jerry R. Smyth, a registered professional court reporter, was present and will prepare a transcript which will be available in the files of the Department of City Planning for public listening or transcription.

R77.8 - ACQUISITION OF PROPERTY BY THE SAN FRANCISCO PARKING AUTHORITY
FOR PERFORMING ARTS CENTER GARAGE, GROVE STREET BETWEEN GOUGH
AND FRANKLIN STREETS.
(POSTPONED FROM MEETING OF APRIL 7, 1977.)

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"The proposed 600-space parking garage is described in the accompanying draft environmental impact report (EE76.420) for the subject project, including the summary of comments and responses proposed for inclusion in the draft in order to create the final environmental impact report. The garage would provide 165 more parking spaces than presently occupy its site and that of the associated Performing Arts Center Concert Hall facilities.

"The proposal relates to the Master Plan as described in Sections III(B)5, IV(D)3 and IV(G) of the environmental impact report, and relates to the Western Addition Redevelopment Plan, Area A-2, as described in Section III(B)5. The garage is expected to be generally compatible with the area, as it is between two major thoroughfares, is between the large-scale buildings of the Civic Center (a proposed historic district) and the Central

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Skyway, and would be reviewed for design as a public building by the Art Commission, pursuant to the City Charter. The garage has received Phase I and Phase II approval from the Art Commission, and awaits only final design review.

"The parking rate structure proposed for initial garage operation includes monthly all-day parking rates and a daily maximum of \$2.35. Such rates would encourage long-term parking by commuters; alteration of these rates to discourage long-term parking would be called for by policies of the Master Plan in the Civic Center Plan and Transportation Element. The 3000 Performing Arts Center Concert Hall seats represent a substantial demonstrated demand for additional parking in the area resulting from this specific development; because only 165 additional parking spaces are proposed, the residual demand would necessitate that a higher percentage of Civic Center-bound trips be diverted to public transit and other modes on evenings when both the Concert Hall and Opera House are in full operation.

"It is recommended that the Director be authorized to report that the development of a 600-space parking garage on the north side of Grove Street, between Gough and Franklin Streets, Lots 4, 6-11, 23, 24 and a portion of 26 in Assessor's Block 792, is in conformity with the Master Plan provided that a rate structure be established by the Board of Supervisors which would encourage short-term use, discourage long-term use and prohibit monthly parking by the general public, and that final landscaping plans be reviewed by the Department of City Planning. It is suggested that City Planning Commission Resolution No. 7716, April 28, 1977, which addresses the apartment buildings on the site, be transmitted with this report."

Herb Dieck, representing the Hayes Valley Community Association, stated that he had not learned that the Commission would be considering this matter in sufficient time to take the issue to the full membership of his organization; however, he felt that the members of the organization would be opposed to the demolition of apartment buildings which could be brought up to code standards. He remarked that the buildings occupying the subject property were once beautiful apartment buildings and are still in good shape; and he believed that they could be restored. While he supported the proposal for construction of a Performing Arts Center, he believed that garages in the downtown area should be built below ground or on top of each other.

Rai Y. Okamoto, Director of Planning, stated that the staff of the Department of City Planning had three primary concerns with the proposal which he had tried to address in the staff recommendation. The staff was concerned about the design and appearance of the proposed building; however, since the Art Commission has jurisdiction over the design of public buildings, he had recommended that only the final landscaping plans for the project be brought before the Department of City Planning for review. The staff was also concerned about the impact of the

garage on the city's "Transit First" policy; and, for that reason, he had recommended that the Board of Supervisors be encouraged to establish a rate structure which would encourage short-term use, discourage long-term use, and prohibit monthly parking by the general public. The staff was also concerned about preservation of the apartment buildings on the subject property should the proposed project fail to proceed; and, for that reason, he had recommended that a copy of City Planning Commission Resolution No. 7716 be transmitted with the report on the Master Plan referral. The resolved clause of that resolution read as follows: "Therefore be it resolved, that the San Francisco City Planning Commission respectfully urges the Redevelopment Agency to delay plans for demolition and clearance of said apartment building until it has been determined that it is not feasible to rehabilitate such buildings for residential occupancy". He noted that a representative of the Redevelopment Agency had been present when that resolution was adopted and had indicated that he concurred with the request of the Commission.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, asked if the staff of the Department of City Planning would have an opportunity to review the design of the proposed facility relative to the concerns which had been expressed in the Environmental Impact Report when landscaping plans are submitted for review. The Director replied that the staff could comment on the design of the facility; however, the authority for approving or disapproving the plans rests with the Art Commission.

Commissioner Bierman inquired about the funding for the proposed project. Mr. Bash replied that revenue bonds would be issued by the City to pay for the project. Revenues from the facility would eventually be used to repay the bonds.

Commissioner Bierman remarked that the Board of Supervisors had approved the proposed project in principle before the Environmental Impact Report was certified to avoid a situation in which the proposal would have had to go before the voters for approval; and she indicated that she was opposed to short cuts of that sort. She stated that she would vote in accordance with the Director's recommendation in spite of the fact that she was very much concerned about the potential loss of the existing housing stock on the property. She also indicated that she was concerned about the lack of racial representation in the make-up of the San Francisco Symphony Orchestra; and, while she recognized that the only matter before the Commission for formal action related to the conformance of the proposed project to the Master Plan, she felt that the Commission should request that a letter be addressed to the Symphony urging that groups which might use the Performing Arts Center, particularly the Symphony itself, give special attention to reflecting the composition of the population of San Francisco in their personnel. Since public funds are being contributed to assist in construction of the Performing Arts Center facilities, she felt that it would be appropriate to request that groups using the facilities should be encouraged to implement affirmative action policies.

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Samuel Stewart, President of the Sponsors of the Performing Arts Center, Inc., stated that he sits on the Board of Directors of the Symphony Association; however, the Board is not responsible for operation of the Symphony. The policy of the Symphony is to hire solely on the basis of talent and not to discriminate in any way on the basis of race.

President Lau stated that he shared the concern which had been expressed by Commissioner Bierman. He remarked that San Francisco is a heterogeneous city; and he felt that it should be possible for the Symphony to provide for multi-racial representation in a reasonable manner.

After further discussion it was moved by Commissioner Rosenblatt, and seconded by Commissioner Wentz that the Director be authorized to report that the development of a 600-space parking garage on the north side of Grove Street, between Gough and Franklin Streets, Lots 4, 6-11, 23, 24, and a portion of 26 in Assessor's Block 792, is in conformity with the Master Plan provided that a rate structure be established by the Board of Supervisors which would encourage short-term use, discourage long-term use, and prohibit monthly parking by the general public, and that final landscaping plans be reviewed by the Department of City Planning. The motion also proposed that a copy of City Planning Commission Resolution No. 7716 be transmitted with the Commission's report.

Commissioner Starbuck stated that he intended to vote against the motion. He felt that it was highly unlikely that a rate structure would be established which would effectively discourage long-term parking in the proposed garage; and he indicated that he knew of no other garages where such efforts have been successful. Furthermore, if adjustments were to be made in the rate structure, the debt payment schedule reflected in the Environmental Impact Report would fall apart. More importantly, he could think of no land use which would be more inappropriate for the subject property. He remarked that between 30 and 40 percent of the land in urban areas is devoted to the care, "feeding" and storage of automobiles; and he expected that the percentage of land in San Francisco devoted to such uses is probably higher. In any event, he believed that construction of a parking garage in the Civic Center area would be completely inappropriate. He stated that he agreed with the comment which had been made by Thomas Matoff, acting Director of Transportation for the Public Utilities Commission, which had been included in Chapter XIII of the Environmental Impact Report and which read as follows: "The decision on quantity of parking supply should be based on broad planning and environmental considerations, including urban design, standards of neighborhood environment, desirability of reversing the degradation of street and pedestrian environments, and the desire to increase the transit modal split. The analysis should address the question: 'What is the quantity of parking supply that is good for the city?', not the question: 'What is the extrapolated level of present parking consumption?'" It has been estimated that it would cost approximately 2 million dollars to rehabilitate the housing which presently exists on the subject property; and he indicated that he would prefer to spend that money for that purpose as opposed to spending \$4,000,000+ on interest for a parking garage.

He noted that data which had been included in the Environmental Impact Report clearly indicates that the larger parking garages in the downtown area are under-utilized. Finally, he stated that he could see no reason for finding that the proposed garage facility in in conformity with the Master Plan.

When the question was called, the motion passed by a vote of 5-2. Commissioners Bierman, Elliott, Lau, Rosenblatt, and Wentz voted "Aye"; Commissioners Dearman and Starbuck voted "No".

Subsequently it was moved by Commissioner Bierman and seconded by Commissioner Dearman that a letter be addressed to the San Francisco Symphony urging that groups which might use the Performing Arts Center, particularly the Symphony itself, give special attention to reflecting the ethnic composition of San Francisco in their personnel.

Commissioner Elliott stated that it did not seem to him that such matters are within the purview of the Commission; however, if other members of the Commission wished to have the letter sent, he would support the Commission.

When the question was called, the Commission voted unanimously to request that the letter be prepared and sent.

At 3:25 p.m. President Lau announced a twenty-minute recess. The Commission reconvened at 3:45 p.m. and proceeded with hearing of the remainder of the agenda.

DR77.13 - 1026 VALLEJO STREET, NORTH LINE, 114.2 FEET WEST OF TAYLOR STREET. DISCRETIONARY REVIEW IN LIEU OF CONDITIONAL USE AUTHORIZATION FOR A SEVEN-UNIT BUILDING IN AN R-4 AND PROPOSED RH-2 ZONING DISTRICT. (EE76.447)
(CONTINUED FROM MEETING OF MAY 12, 1977.)

CU77.25 - 1026 VALLEJO STREET; AND 961 GREEN STREET, SOUTH LINE, 200 FEET WEST OF TAYLOR STREET. REQUEST FOR CONDITIONAL USE AUTHORIZATION FOR COMMUNITY PARKING GARAGES ACCOMMODATING 23 PARKING SPACES WITH ACCESS FROM VALLEJO STREET UNDER 1026 VALLEJO STREET (A PROPOSED SEVEN-UNIT DWELLING) IN A PROPOSED RH-2 ZONING DISTRICT, AND 18 PARKING SPACES WITH ACCESS FROM GREEN STREET UNDER 961 GREEN STREET (A PROPOSED EIGHT-UNIT DWELLING) IN A PROPOSED RM-2 ZONING DISTRICT CURRENTLY ZONED R-4 (EE77.126)
(CONTINUED FROM MEETING OF MAY 12, 1977.)

VZ77.21 - REQUEST FOR VARIANCES FROM THE CITY PLANNING CODE INVOLVING FRONT SETBACK AND REAR YARD VARIANCES FOR THE PROPOSED 1026 VALLEJO STREET BUILDING AND REAR OPEN SPACE AND HEIGHT LIMIT VARIANCES FOR THE PROPOSED 961 GREEN STREET BUILDING. THESE MATTERS TO BE HEARD BY THE ZONING ADMINISTRATOR.

Putnam Livermore, the applicant, summarized the history of the subject properties and the proposed project as reported during the meeting on May 12, 1977.

He indicated that he had met with residents of the neighborhood since that meeting; and, in view of the concern which had been expressed about traffic and parking problems in the area, he had formed a planning team to prepare plans for the street areas of Vallejo Street between Taylor and Jones Streets and Green Street between Taylor and Jones Streets. He advised the Commission that more than 30 residents of the area had signed petitions in support of the proposed project; and none of the owners of property south of Vallejo Street, where a number of older homes are located, had expressed opposition to the project.

George Homsey, architect for the applicant, stated that he had met with the staff of the Department of City Planning and the Landmarks Preservation Advisory Board to discuss their concerns about the profile of the building which would be located on the Vallejo Street property. He displayed a photograph of a building with similar bulk and noted that it does not have a significant impact on the skyline; and, referring to drawings which had been prepared for the proposed building, he explained how it would relate to the character of the neighborhood. He also explained the reasons for the variances from the City Planning Code which had been requested for the project. He indicated that discussions had been held with representatives of the Bureau of Building Inspection and the Fire Department concerning fire access to the property on Green Street. They had seemed to be satisfied with the access; however, they had requested that automatic sprinklers be installed in the building to be constructed on that property. Residents of Green Street had expressed concern about traffic and parking problems. However, the City Planning Code would allow a maximum of nineteen dwelling units to be constructed on the Green Street property; and only eight dwelling units were being proposed. Thus, less traffic would be generated than if the maximum allowable number of units were to be constructed. Furthermore, if a greater number of units were proposed, they would necessarily be smaller in size; and, as a result, there would probably be more tenant turnover.

Mrs. Wheeler, President of the 947 Green Street Association, stated that the building in which her apartment is located is an attractive building; and she felt that the general practice of sacrificing older buildings to accomodate new buildings should be avoided in the present instance. The applicant had requested a variance from the required ten-foot front setback on the Green Street property; and, in fact, he intended to install bay windows which would project over the property line. Residents of the building at 947 Green Street would see those windows as they look out of their own windows towards the sunset. She felt that the ten-foot front setback should be observed. She also believed that the method of measurement which had been used to measure the 40-foot height limit on the property violated the intent of the 40-foot height limit. She believed that height limits are customarily measured from the center of a parcel of property; and, when the property is made up of more than one lot, the height limit is usually measured from the lowest lot. The applicant was proposing approximately three off-street parking spaces for each of the proposed dwelling units; and, while it would be illegal for him to rent those parking spaces, it would generate a great deal of traffic no matter how they are occupied. In addition, the proposed buildings would generate a number of service deliveries and visitor trips. As a result,

she felt that the project would have a drastic effect on traffic problems in the area. With the rear yard variances being requested for the Vallejo Street building, that building would be almost twenty feet closer to the 947 Green Street building than would otherwise be the case; and people from both buildings would look into each other's windows. That situation did not seem desirable. Furthermore, the Vallejo Street building would cast shadows onto the ninth floor of the 947 Green Street building. She advised the Commission that the applicant had initially proposed not to have any garage entrance on Green Street; but he had made a change in his plans. She felt that the Green Street garage entrance would ultimately result in people parking on Green Street. She stated that the steps of the 947 Green Street building project nine feet into the street right-of-way; and the traffic island which the applicant had proposed would eliminate three additional parking spaces from the street. Furthermore, the area in front of her building would be used as an automobile turnaround. She also questioned the desirability of installing landscaping when there is a water shortage. If the requested variances were to be denied, it would not deprive any families of housing because the proposed units would sell for \$100,000 apiece.

Casper Escher, 1032 Broadway, stated that he and his wife, as well as a neighboring property owner, were pleased with the plans which had been prepared for the proposed project.

Nancy Greer, 947 Green Street, stated that she did not object to the proposed project; however, she did object to the granting of the proposed variances of the City Planning Code. In reply to questions raised by Mr. Steele regarding her specific concerns about the project, Mrs. Greer stated that the driveway to the proposed parking garage from Green Street would eliminate parking spaces and would prevent access to a view area. Furthermore, since her apartment is on the seventh floor of the building at 947 Green Street, the height of the proposed buildings would have an effect on her own view.

Dr. Pierre Merle, 5 Russian Hill Place, felt that the applicant should be commended for his efforts to prevent high-rise construction on the subject property and for the plans which he had prepared. He assumed that the applicant would eventually sell the property if he were unable to obtain approval for the proposed project; and, if the property were to be acquired by a speculative builder, a project which might have a really harmful effect on the neighborhood might result. He remarked that the Summit apartment building had wrecked the neighborhood, bringing wind hazards, parking problems, etc.; and he felt that the proposed project would enhance the neighborhood and would maintain property values in the area.

The owner of property at 1090 Vallejo Street expressed his support for the proposed project.

Steve Kendrick, 1020 Broadway, spoke in favor of the proposed project. He remarked that most new developments are designed to squeeze every possible dollar out of a piece of property; and he believed that the proposed project would serve as a valuable example that it is not always necessary to maximize the size of a new development.

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Richard L. Karrenbrock, 947 Green Street, felt that the applicant had accomplished a great deal in meeting the concerns of the neighborhood; however, he continued to be concerned about the requested rear yard variance for the Vallejo Street building. While that building would contain only eight dwelling units, each of the units would have 3,000 square feet of floor area; and he felt that it should be possible for the applicant to reduce the size of those units so that the building would not have to encroach into the rear yard area. Although Green Street does not have traffic problems, he felt that the variances being requested for the Green Street building would not have as significant a detrimental effect as the variance being requested for the Vallejo Street building.

Mr. Homsey read and submitted a letter which had been addressed to the Commission by Harriet and Murry Richards, owner of property at 1036 Vallejo Street. The letter read as follows:

"As adjoining and affected property owners to both projects we have carefully considered our needs and those of the neighborhood as a whole as they are affected by this application.

"The primary and urgent requirement remains to find a solution to the traffic and particularly parking problems in this area.

"We feel that the subject projects offer the most promising first step in this direction, particularly if coupled with a joint neighborhood study and common effort which is now being implemented.

"We therefore support the subject applications in their present form."

Jonathan C. Rice, 1 Russian Hill Place, stated that he believed that the applicant had done the best possible job of preparing plans for the proposed project; and he felt that residents of Green Street who had spoken in opposition to the project were being extremely short-sighted. He agreed, however, that the neighborhood does have an extremely acute parking problem; and the removal of the off-street parking spaces which had been made available by the applicant on the subject property would result in a loss of twenty-five percent of all of the parking spaces available on the top of the hill. Under the circumstances, he hoped that the Commission and the staff of the Department of City Planning would take an interest in trying to help solve the neighborhood's parking problems.

Gordon Malatratt, representing the owners of the building at 945 Green Street, stated that he would not be intimidated by the threat that the applicant might sell the properties if the proposed development were not approved; and he did not feel that it was a "do or die" situation. He indicated that he has a great deal of respect for the City Planning Code; and he assumed that it is the responsibility of the Commission to enforce the Code and to grant variances only in extreme cases. The applicant had offered no arguments in support of the variances with the exception of the argument of economic feasibility; and he did not feel that the variances should be granted on that basis.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that some of the older houses in the neighborhood are extremely important and exist in a fragile environment. The members of her Board were concerned about the massiveness and bulk of the proposed Vallejo Street building and its relationship to the older homes in the area. She felt that the building needed articulation which would give it the appearance of a two- or three-family dwelling rather than an apartment building. The applicant's architect had already prepared some sketches which had begun to effect such articulation; however, more work needed to be done. She hoped that the design of the building would be subject to further review by the City Planning Commission or the staff of the Department of City Planning. She indicated that her Board no longer had any problems with the building proposed for the Green Street property.

Mr. Livermore stated that he would be prepared to continue to work with the Landmarks Preservation Advisory Board and residents of the subject neighborhood to improve the design of the proposed project; and, in addition, the planning team which he had put together would continue to prepare plans for the street area of Green and Vallejo Streets between Taylor and Jones Streets. With regard to the economics of the project, he indicated that he had consistently been advised that he ought to increase the number of units proposed if he wished to make money; however, his approach had been to design the project to conform to the character of the neighborhood and to attempt to solve the traffic and parking problems of the area. He noted that the only individuals who had spoken in opposition to the proposal reside in two high-rise buildings which had breached the character of the hill in 1920. He had purchased the subject property fifteen years ago; and, until three or four years ago, a fifteen-foot rear yard would have satisfied the rear yard requirement for the Vallejo Street property. Under the circumstances, he felt that the rear yard variance being requested at the present time was justifiable. He urged that the Commission approve the proposed project; and he noted that none of the owners of the older landmark homes, those which are the most sensitive in the neighborhood, had expressed opposition to the project.

President Lau announced that the public hearings were closed.

Mr. Steele stated that his decision on the variance application would not be made for at least one week; and he expected that it would be approximately sixty days before his letter of decision is published. He asked members of the audience who wished to receive copies of the variance decision to file written requests with his office. He then recommended that Application DR77.13 to permit construction of a 7-unit dwelling on Vallejo Street be approved subject to nine specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Starbuck, noting that Condition No. 9 of the draft resolution specified that the authorization would expire within three years of the effective date of the resolution if the project has not been commenced by that point in time, asked why that particular period of time had been chosen. Mr. Steele replied that the Department customarily includes a condition limiting authorizations for

particular projects to a period of three years. He remarked that final decisions are usually made on projects within that period of time; and, since circumstances can change a great deal during a three year period, he felt that the Commission should have an opportunity to reopen consideration of any project which has not commenced within a three year period.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7748 and that the application be approved subject to the conditions which had been recommended by Mr. Steele.

Mr. Steele then recommended that Application CU77.25, to permit a community garage in each of the proposed buildings for a combined total of 41 parking spaces, be approved subject to four specific conditions which were contained in a draft resolution which has had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Commissioner Dearman, noting that Condition No. 2 of the draft resolution specified that the staff of the Department of City Planning could authorize use of surplus space in the garage for use by residents of dwellings existing at the date of the resolution in the immediate vicinity which do not have off-street parking, asked if such action of the part of the staff would be legal. Mr. Steele replied in the affirmative.

Commissioner Starbuck asked how many spaces might be approved for use by residents of the area. Mr. Steele replied that it was not yet possible to estimate the number of spaces which might be so authorized. However, he felt that there would probably be an excessive number of spaces in the garage; and he noted that there are a number of buildings in the area which do not have off-street parking.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7749 and that Application CU77.25 be approved subject to the conditions which had been recommended by Mr. Steele.

At 4:55 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 5:05 p.m. and proceeded with hearing of the remainder of the agenda.

LM77.6 - CONSIDERATION OF A PROPOSAL TO DESIGNATE THE ORIENTAL WAREHOUSE,
650 FIRST STREET, AS A LANDMARK.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), summarized the following statement of significance which had been adopted by the Landmarks Preservation Advisory Board in recommending that the building be designated as a landmark:

"The Oriental Warehouse, built in 1867 or early 1868, is all that remains in San Francisco of the Pacific Mail Steamship Co., a firm whose activities had considerable impact historically, economically and socially not just on San Francisco, but on California and the

rest of the United States. Pacific Mail Steamship Co. initially carried passengers, mail, treasure and cargo on a regular schedule between Panama and Gold Rush San Francisco. Later, the firm was the first line to establish regular mail, passenger and trade service between this country and the Orient. It carried thousands of Orientals, mostly Chinese, who became a source of cheap labor which built the railroads and developed California's agricultural business. This importation continued until the Exclusion Act of 1882. The presence of these workers, often exploited, and often considered a threat by white residents for jobs, led to social, labor and economic conditions whose effects are still felt today."

President Lau asked what was meant by the last sentence of the statement of significance. Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, replied that the imported workers had been the subject of discrimination; and, in preparing the case report, an effort had been made to handle that issue as sensitively as possible.

Rai Y. Okamoto, Director of Planning, asked if the official name of the subject building is the "Oriental Warehouse". Mrs. Platt replied in the affirmative, indicating that the name is still visible on the west side of the building.

After further discussion, it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7750 be adopted and that the proposal to designate the Oriental Warehouse, 650 First Street, as a landmark be approved.

CU77.33 - KAREN COURT, SOUTH LINE, WEST OF HOLYOKE STREET.

RS77.3 REQUEST FOR AUTHORIZATION TO SUBDIVIDE AN EXISTING LOT INTO FIVE LOTS WITH WIDTHS OF 33 FEET AND AREAS OF LESS THAN 2,640 SQUARE FEET; IN AN R-1 AND PROPOSED RH-1 DISTRICT. (EE77.93)

Robert Feldman, Planner II, referred to land use and zoning maps to describe subject property which has a frontage of 76 feet on Holyoke Street and a depth of 165 feet on Karen Court for a total area of 12,975 square feet. The property is vacant and slopes upward from Karen Court. The applicant proposes to subdivide the property into five lots fronting on Karen Court. All of the lots would have a width of 33 feet. Four of the lots would have areas of 2,508 square feet; and a fifth lot at the westerly end of Karen Court, would have an area of 2,941 square feet. The average area of the five lots would be 2,594 square feet. The applicant proposes to build 25-foot wide, three bedroom houses on each of the lots. The houses would sell for approximately \$80,000. Conditional use applications had been filed seeking approval of the proposed lots which would have an area of less than 2,640 square feet. In addition, the Subdivision Code requires the City Planning Commission to review new subdivisions for their consistency with the Master Plan.

Mr. Feldman indicated that opposition had been expressed to the proposed

subdivision by neighboring property owners who felt that the undeveloped portion of Holyoke Street should be paved. However, he had been advised by the Department of Public Works that the street is too steep to pave. The City had offered to sell the street area to four abutting property owners if they would be willing to build a stairway in the street area; but one of the property owners had refused to participate. The street has a grade in excess of 31%; and the steepest streets which have been paved in San Francisco have grades of 31% and 30.5% respectively. Mr. Felman stated that more than one-half of the lots in the subject block are of a size comparable to or smaller than the lots being proposed; and the City Planning Code allows the Commission to authorize lots with less than 2,640 feet of lot area in R-1 districts where) "the area of a new subdivision is no more than 2 acres; 2) the property is the only remaining unsubdivided land on the lot; and 3) the existing lot pattern of the block is predominately below the new subdivision standards."

Commissioner Rosenblatt asked if there are other properties in the subject block which remain unsubdivided. Mr. Feldman replied in the negative. While some of the property is vacant, it has already been subdivided.

Mrs. Fong, 92 Karen Court, stated that she was not opposed to the proposed development of the subject property. However, she was concerned about traffic on Karen Court, and she felt that Holyoke Street should be paved. She stated that some of the residents of Karen Court had signed petitions requesting that Holyoke Street be paved so that additional on-street parking spaces would be available; and she urged that the Commission take the concerns of residents of the neighborhood into consideration.

Mr. Steele recommended that application No. CU77.33 be approved subject to five specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. The proposed conditions read as follows:

1. That said subdivision shall be in general conformity with the plan dated February 1977 by Transamerican Engineers on file with the subject application and marked "Exhibit A".
2. That street trees and appropriate ground cover of the rear yard slopes areas shall be planted by the applicant according to a plan to be developed in consultation with the staff of the Department of City Planning.
3. That all utility lines leading to dwellings within this subdivision shall be underground.
4. That final plans for houses including landscaping plans on this property shall be submitted to the Department of City Planning for review and approval before any building permit applications for houses on this property are filed. Said plans shall be developed in a manner that will minimize necessary excavation of the site, result in minimum additional slope on the final hillside site, provide appropriate usable outdoor space, and result in architectural design that relates well with surrounding houses.

5. In consultation with the Department of the City Planning the developer shall work out procedures that will reduce undue noise, dust, vibration and traffic congestion impacts on adjacent residents during construction.

Commissioner Dearman, noting that the members of the Commission had taken a field trip to the subject property, stated that she was concerned about the parking situation on Karen Court which is a dead-end street without a cul-de-sac turnaround. Mr. Steele replied that development of the street without a turnaround would not be permitted under present standards. Mr. Feldman stated that he had spoken with a representative of the Fire Department who had indicated that no turnaround for Karen Court is being contemplated.

Commissioner Dearman asked what legal steps the Commission could take to prevent additional parking congestion on Karen Court. Mr. Feldman replied that the Commission could disapprove the proposed subdivision, leaving the applicant with the options of revising the subdivision plan or appealing the Commission's decision to the Board of Supervisors. However, he noted that the proposed lots would be substantially the same size as others which already exist in the area; and, in fact, the proposed lots would be wider than some of the existing lots.

Mr. Steele stated that the staff of the Department of City Planning intended to work further with the applicant to assure that as much on-street parking as possible would be provided. If the proposed houses were to be built in "mirror image" fashion, the amount of on-street parking would be maximized.

Commissioner Bierman asked what would be result of allowing only four lots to be created instead of the five which had been proposed. Mr. Steele replied that the resulting lots would be wider than those which had been proposed; however, he felt that the proposed width of 33 feet was reasonable.

Commissioner Dearman remarked that poor planning has already damaged the neighborhood; and she indicated that she would be loathe to compound the problems in the area. Therefore, she was inclined to vote for disapproval of the proposed subdivision.

Mr. Steele remarked that lots of similar size have already been developed in the area; and he felt that action disapproving the proposed subdivision might be somewhat arbitrary in so far as it would deny a right to the applicant which has been granted to other parties.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Starbuck and carried unanimously that Resolution No. 7751 be adopted and that application CU77.33 be disapproved. The Commission requested that the language of the resolution be presented during the meeting of June 16, 1977, for approval.

Mr. Steele stated that the staff would also prepare a draft resolution for consideration by the Commission at the meeting of June 16 reporting a finding that the proposed subdivision would not be consistent with the Master Plan.

CU77.32 - NORTH SIDE OF PIER 3, EAST OF THE EMBARCADERO. REQUEST FOR AUTHORIZATION TO USE A FERRY BOAT FOR NON-MARITIME ACTIVITIES WITHOUT OTHERWISE REQUIRED OFF-STREET PARKING; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1. THE PROPOSED NON-MARITIME USES WOULD INVOLVE COMMERCIAL OFFICES AND AN ENTERTAINMENT COMPLEX INCLUDING A FILM SCREENING ROOM, A MARITIME MUSEUM, AND A FILM PRODUCTION FACILITY.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that Pier 3 is 745 feet long and 137 feet wide. The subject ferry boat, the M.V. Santa Rosa, is 257 feet long and 65 feet wide and contains 20,000 square feet of usable space. The Port Commission is presently remodelling Pier 3 independently of the proposed project. The applicant proposed to moor the steel motor vessel M.V. Santa Rosa along the north side of Pier 3 and to use it for commercial offices and as an entertainment complex. The uses would include a maritime museum, a film screening room, offices, and a multi-media film production facility with various public viewing areas. Access for the general public would be allowed throughout much of the vessel and also along portions of the exterior deck including areas of the roof and wheelhouse. Hours of operation would be from 8:00 a.m. to 6:00 p.m. for the film production company, from 5:00 p.m. to 2:00 a.m. for the entertainment complex, and from 8:00 a.m. to 2:00 a.m. for public access to various portions of the vessel. No off-street parking would be provided. He indicated that off-street parking is required for commercial uses with more than 5,000 square feet of occupied floor area at the ratio of one space for each 500 square feet of floor area; however, in the Northern Special Use District No. 1, the Commission may modify or waive off-street parking requirements. In conclusion, Mr. Steele stated that the Bay Conservation and Development Commission has permit authority over the proposed project and will review it under its regulations.

Carlos Bea, attorney for the applicant, advised the Commission that the applicant is presently a tenant of Pier 3; and he indicated that the architect for the proposed project, as well as other technical advisors, were present to respond to any questions which might be raised by members of the Commission.

Al Podesta, part owner of a firm which has been located at Pier 3½ for thirty-one years, stated that the regular work done by his firm is of an emergency nature. He understood that access to the ferry boat would be through the railroad gate on the north side of Pier 3; and, since his firm uses the same access to vessels which are tied up at the apron, he was concerned about the possibility that the proposed use might interfere with his firm's operations.

Lee Hect, one of the applicants, stated that their understanding with the Port was that several operations would jointly use the railroad gate for access to the Pier.

Mr. Podesta felt that the equipment which his firm uses would make it difficult to share the access with other firms.

Commissioner Rosenblatt suggested that the access issue should be taken up with the Port since it is a matter over which the City Planning Commission has no jurisdiction. Therefore, he moved that this matter be continued. The motion was seconded by Commissioner Dearman.

Mr. Bea agreed that it should not be the role of the City Planning Commission to resolve disputes between two Port tenants; however, he wished to avoid any unnecessary delay. He stated that the proposed occupancy had been discussed at meetings of the Port Commission on May 4 and May 25; and he indicated that Mr. Podesta had not raised objection on those occasions.

At this point in the proceedings, Commissioner Starbuck absented himself from the meeting room for the remainder of the meeting.

Fran Martin, an employee of Mr. Podesta, stated that they had known nothing about the meetings which had been held by the Port Commission. They did not object to the mooring of the M.V. Santa Rosa at Pier 3; but they did not know precisely where the boat would be moored or how it would affect access to their operation. Under the circumstances, they wished to have an opportunity to obtain more information regarding the proposal.

Commissioner Rosenblatt, noting that the ferry boat would have a great deal of space which would be open to the public, stated that he was concerned that there be adequate access to the ferry boat for pedestrian traffic. He indicated that he did not know what public notice the Port Commission gives of its meetings; but he felt that the tenants of Pier 3, as well as any other interested parties in the area, should be advised of the applicant's proposal. He also asked the staff of the Department of City Planning to determine whether it would be legal for the Commission to establish a condition providing that the private space on the ferry boat not be occupied until the public areas of the boat are ready for use.

Barney Gould stated that he was very much in favor of the applicant's proposal; however, he observed that it is incumbent on the Port Commission to give first priority to maritime uses. He stated that he had made a proposal for a historic ship terminal at Pier 3; and he felt that the M.V. Santa Rosa should be moored at Pier 1.

During Mr. Gould's presentation, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting. When the question was called, the Commission voted unanimously to continue this matter until the meeting of June 30, 1977, at 2:30 p.m.

MP77.3 - PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR CHILDREN'S HOSPITAL OF SAN FRANCISCO, 3700 CALIFORNIA STREET, INCLUDING THE ENTIRE BLOCK BOUNDED BY CALIFORNIA, CHERRY, SACRAMENTO, AND MAPLE STREET AND THREE PARCELS IN THE BLOCK WEST OF CHERRY STREET BETWEEN CALIFORNIA AND SACRAMENTO STREETS.

Wayne Rieke, Planner IV (Zoning), stated that this was the third in a series of public hearings which had been held on institutional master plans, the purpose

of the hearings was to provide information to the public, the Department of City Planning, and other institutions and agencies. No action is taken on the institutional master plans by the Commission. At the previous hearings, the issues which had been expressed generally related to traffic and transportation, housing, building bulk and form, and need for the facilities proposed. In the case of Children's Hospital, the Transportation Section of the Department of City Planning had met with representatives of the hospital to stress the need for surveys to determine actual parking needs and had suggested that a transit action plan be prepared. The only residential-type buildings proposed for removal by the hospital are the ones at Sacramento and Cherry Streets which have been used as part of the hospital's facilities since the mid-1950's. Children's Hospital was not proposing an increase in hospital beds or any new programs; however, it was proposing to rebuild older portions of the existing plant. The hospital's consultant had made a study of anticipated space needs and had translated those needs into the tables and drawings which appeared in the Master Plan document. In the proposed rebuilding program, the hospital would 1) prepare for anticipated growth in ambulatory care programs and would provide space needed to accommodate modern technical improvements; 2) would improve the relationship of various facilities within the hospital and 3) would improve the relationship of the hospital with the neighborhood. Because the drawings which had been prepared are quite preliminary in nature, it was difficult to assess the effect of the form of the proposed buildings on the neighborhood. However, conditional use review of any proposed construction would be required; and the staff of the Department of City Planning would be working with the hospital and its architects to make the design of the buildings comply with Planning Code regulations and Master Plan considerations and to make the buildings fit into the form and scale of the neighborhood as much as possible. Mr. Rieke noted that the Public hearing on the Institutional Master Plan for Children's Hospital would be followed by a public hearing on an Institutional Master Plan for Marshall Hale Hospital. While the two hospitals are sited adjacent to each other, each has its own character; and he expected that the similarities and differences of the hospitals would be referred to in the presentation to be made by representatives of each institution.

Mrs. William A. Bentley, President of the Board of Directors of Children's Hospital, read and submitted the following prepared statement;

"Children's was founded in 1875, and has occupied its present site since 1887, thus it has been part of this neighborhood for 90 years. It was founded as a dispensary to provide free care for women and children, to further the advancement of women in the practice of medicine and to educate nurses. Since that time, it has continually reassessed its purpose and the need for its services. Although changing its resources to respond to the constantly advancing methods of health care delivery, it has maintained its commitment to serving the people in the San Francisco community and beyond. Today, as a private, not for profit, general acute care hospital, Children's continues to carry a high reputation as a major pediatric, obstetrical and adult medical surgical care center. We still provide free and part pay care to patients who are without adequate financial resources.

"Children's purpose is to serve the public welfare by providing a full spectrum of comprehensive health services to area residents. Throughout its long history, Children's Hospital has maintained its community orientation predicated on this philosophy. In addition to the provision of general acute medical services in all major clinical specialties, its uniqueness is characterized by such delivery programs, among many others, as the Newborn Intensive Care Unit, the Child Development Center (for children who are neurologically handicapped), the Newborn Follow-up Clinic (for high risk infants with potential development problems), the Adolescent Day Treatment Center, a special muscular dystrophy program, a family planning and infertility clinic, a high risk maternity clinic and pre-postnatal patient and family education courses.

"Deserving of special attention in reviewing Children's Hospital's role in our community is the community service program itself. This program is oriented towards serving the San Francisco community, particularly the economically deprived, to whom free and part pay care is provided. At the same time, use of the hospital facilities provides other benefits to the community. For example, many outside groups use our auditorium and meeting room facilities, we sponsor community education sessions, such as "Clean Air Day" (involving local schools as well as neighbors), and we served as a swine flu inoculation center for the surrounding neighborhoods. Many have said that hospitals have an impact on a neighborhood, and I know this is true. However, our aim is to make it a beneficial impact, by providing benefits such as those I have just mentioned.

"During the development of our master plan, we conducted a survey of 700 San Francisco residents living within the immediate vicinity of the hospital to determine their impressions, feelings, and usage of Children's Hospital. The master plan provides the details of the results, however, I would like to point out that 78 per cent of the residents responding said they had a generally favorable impression of the hospital, opposed to only five per cent responding that they had a generally unfavorable impression.

"We also held informational meetings with the surrounding five neighborhood associations to inform them of our planning program, and to obtain input on their concerns and suggestions.

The major concern centered on parking problems, and as a result of this input, an ad hoc neighborhood parking committee will be formed to address the short and long range problems. Prior to the formation of this committee, we are now conducting a survey of our employee parking and transportation patterns. Inasmuch as this is a citywide problem, as well as a hospital and neighborhood one, we will look to the City for assistance and cooperation.

"One final word on shared services. As you have already heard, discussions are being held to investigate the possibility of a consolidation

and/or merger of three hospitals, Children's Hospital, PMC and Mount Zion. The outcome of these discussions is unknown. Given the complexities of the issue, it will be a period of time before there is agreement on the best way to achieve a cooperative effort.

"At the same time, we are continuing our commitment to greater sharing of health care resources with other institutions. Pages 32 through 35 of our master plan provide a reference to our accomplishments to date. Because of our joint planning effort with Marshal Hale, we have been able to identify potential areas for increasing shared services between these two hospitals. We hope to continue working with Marshal Hale to pursue development of these areas identified in the joint planning sessions.

"Our plan is predicated on continuing to provide our established services, and continuing to develop increased shared services, as we have done in the past. It is our belief that it is in the best interests of both the community and the hospital to continue to pursue these options. Because our plan is primarily oriented toward a modernizational program, it is flexible enough to accommodate changes as they come about."

Mr. Tonkel, administrator of Children's Hospital, read and submitted the following prepared statement:

"Before going over the plan itself, I would like to spend just a few minutes on how it was developed.

"As of November, 1970, Children's has had on file with the City Planning Department, an approved planned unit development. This was essentially a simplified master plan which authorized the use of our present site for future ancillary and nursing service facilities development. At the time the master plan was designed, it was known that the present facilities were becoming increasingly inadequate for housing those programs and services which were thought to be critical to the hospital's mission. However, it was felt that before going into a major facilities modernization effort, the hospital should first make a concentrated assessment of its goals and objectives, and programs and services, to determine what future course the institution should take.

"With this, a health program planning process was completed in 1974, which resulted in the conclusion that rather than undertake many new and highly specialized services and programs, we should instead, concentrate on what we do best, and primarily build upon our present strengths, as a general acute care community hospital, providing primary and secondary health care services. At the same time, it was concluded that in order to meet its established goals, Children's should give immediate attention to development of a planned replacement program of its older buildings which are functionally limited and many require replacement. It is with these basic premises in mind, that a facilities master planning study was commenced in 1975, resulting in the document submitted to the City Planning Commission in December of 1976. This plan has evolved from a rational planning process, and is based on objective standards for facility requirements

through 1985. This process involved taking the established programs and service needs identified in the health program planning study, along with data collected on demographics and departmental workloads, compared with established hospital norms for space needs, and from this, making an assessment of future facilities needs. These needs were then coordinated with an analysis of the existing conditions of the buildings and site, developed into a series of alternatives which were weighed against functional and environmental considerations, and finally, converted to a three phase Master Plan. Rather than going into further detail of how the plan was developed, I would like to focus on a particular stage of the process which demonstrates the objectivity utilized to assess institutional and facility needs.

"For each department in the hospital, data was collected on workload requirements. That is, the number of patient examinations or treatments being given, for example. Projections were then made on the basis of demographics, and patient utilization studies, on what that activity would be between now and 1985. This information was then compared to hospital wide space standards by means of a computer, to determine each departments' space needs (i.e. square footage). These standards are based on governmental regulations, hospital wide industry norms, and statistics generated from special studies on a large number of comparable health care facilities, all of which provided objective standards for determining current and future space deficiencies.

"From this analysis, the total hospital needs, and facility needs are established. The results of this analysis show that today, let alone by 1985, we have basic physical and space deficiencies that need to be addressed. The overall results of our master planning effort, include several important conclusions, which are on page 2 of the document submitted:

- . The fundamental mission of Children's is to meet the health care needs of the San Francisco and surrounding community.
- . Based on our current planning data and demographic studies, we will not increase beds through 1985.
- . Given the trend in health care delivery, we anticipate emphasizing our programs in ambulatory or outpatient care.
- . We will continue to explore the possibility for increased shared services and joint cooperative efforts, both in terms of our discussions with P.M.C. and Mt. Zion, with our neighbor, Marshal Hale Memorial Hospital, and other interested organizations.
- . The needs for the hospital's facilities can be met within our existing site and within current height and bulk zoning codes. And it is important to note that although the density of our proposed buildings on this site would increase, we felt strongly that this alternative is

certainly preferable to attempting to expand out into the neighborhood, and thereby causing a greater environmental impact than is otherwise necessary or responsible.

- Plans will be made for the eventual replacement of structurally non-conforming Building B and C through an orderly program of transition into new facilities, and for the upgrading of existing buildings.
- A phased implementation of the master plan is based on addressing areas of immediate need first, staging of the project to be consistent with financial resources available, and implementing the plan in a manner that will minimize environmental impact on the neighborhood.
- The hospital's present parking capacity provides 523 spaces. We will be working with the City and community to resolve transportation and parking problems through various methods, rather than constructing additional garages, which cause an even greater environmental impact.

"PLAN REVIEW

"In developing the Master Plan document, it was our sincere desire to provide sufficient information for the Planning Commission Staff and other interested parties to understand how and why Children's Hospital reached the conclusions just expressed.

"It is my understanding that the Commission, Planning Staff, voluntary and regulatory agencies and neighborhood associations have received, or have had access to Children's Hospital's Facilities Master Plan. In the interest of time I would like to ask the Commission for direction. Would you like a verbal presentation, highlighting the elements of the submitted plan, or conversely, would you prefer to utilize the remaining time for specific questions? We are prepared to do either or both

"In conclusion, Children's Hospital in 1950, made a conscious decision to remain at its present site and start the process of modernizing its physical plant. At that time, 25 years ago, we occupied buildings constructed in the 1880's. The same is true today. Accordingly, the plan you have reviewed reflects this thinking. Furthermore, it is our considered opinion that the Children's Hospital Master Plan portrays accordingly the facility needs facing Children's Hospital today and tomorrow. The Plan also addresses, in a responsible way, the approaches that could be taken to alleviate physical plant deficiencies identified in the Plan itself.

"We are conscious of the fact that changes are occurring in society with respect to the delivery of health services. We continue to believe we have an important mission to fulfill in meeting the preventive and restorative needs of the sick and injured citizens of the San Francisco area. This has been our proud tradition for the past 102 years and we believe it should be our trademark for the future. Nevertheless, we assure you of our intent to be

responsible in addressing the changes in society in general, and in particular, adjusting our Master Plan to the extent that it accounts for these changing conditions without compromising the institution's basic role in the delivery of health services.

"I would like to conclude my remarks this afternoon by reaffirming our pledge to work with the leadership of our neighborhood associations to develop a modernization program that not only fulfills our institutional requirements, but minimizes the impact upon our friends and neighbors. We believe we have conducted ourselves as responsible corporate citizens in the past and I trust that this will be true of our performance in the future.

"This concludes my presentation and I would like to thank you for courteously listening to our comments. I would be more than happy to respond to any question you may have at this point."

Linda Hall, Vice President of the Clay-Cherry Neighborhood Association, remarking that the proposed new entrance to Children's Hospital would be located on Cherry Street, indicated that the proposal was of concern to members of her association. Although Mrs. Bentley had stated that 78% of the residents who had responded to a survey had indicated that they had a generally favorable impression of the hospital, she advised the Commission that none of the members of her association had been surveyed. She stated that she was not opposed to the hospital and, in fact, was glad that it is located in the neighborhood. However, she was concerned about the environmental impact of the proposed expansion plans on the neighborhood. She indicated that most of the homes in the area have no garages; and it is very difficult to find a parking space in the neighborhood. No additional off-street parking was being proposed by the hospital in its Master Plan; and, without additional off-street parking, she did not understand how the parking problem in the neighborhood could be resolved. It had been reported that the existing garage at Children's Hospital is 40% unoccupied; and she could understand how employees of the hospital would be reluctant to pay to park in that garage if they could possibly find a parking space on the street. She pointed out that properties on Sacramento Street are zoned R-1 and R-2 and are mostly occupied by buildings which are low in height; and she wondered how the height and bulk of buildings proposed in the hospital's plan would affect the amount of light available on Sacramento Street. While representatives of the hospital had stated that they could work within current height and bulk limits, she questioned how the proposed development could occur under the restrictions of an R-1 or R-2 district. In conclusion, she submitted a letter which had been prepared by John Hall, Jr., President of the Clay-Cherry Neighborhood Association, which read as follows:

"Our association has reviewed the master plans of Children's Hospital and Marshall Hale Hospital, and we have several preliminary comments.

"Our principal concerns are the impact of the proposed development on our residential neighborhood and the traffic and parking problems caused by the proposed development. More specifically, we strongly believe that open space in the development should be concentrated along Sacramento Street because it is more residential in nature than California Street. With respect to parking and traffic, we believe that a complete traffic impact study should be made, including traffic count, parking demand and public transportation.

Our association has applied for a limited parking zone, but no action has been taken by the Board of Supervisors to implement the limited parking zone. Until such a zone is established, any expansion of the hospital facilities will only aggravate the serious parking problem in the neighborhood. Consequently, until the limited parking zone is established, we strongly believe that the hospitals should provide free parking to their staff, patients and visitors, as well as free parking for the staff and patients in the medical office building on California Street."

The owner of property at 3927 Sacramento Street stated that she had never been approached by any representatives of Children's Hospital; and she knew that many of the other neighbors had never been approached either. She stated that parking in the neighborhood is so bad that it is often impossible for people to get into their own driveway; and, if they should have a second car, it is usually necessary to park it several blocks away. She felt that Children's Hospital had not made adequate provision for off-street parking; and she believed that the proposed expansion plan would make the situation worse. She was also of the opinion that moving the entrance of the hospital to Cherry Street would create an impossible situation.

John Skov, Secretary-Treasurer of the Sacramento-Arguello Neighborhood Association, summarized and submitted the following prepared statement:

"The master plans of Children's Hospital and Marshall Hale Hospital were reviewed by the Planning Committee of the Sacramento/Arguello Neighborhood Association and the Committee's comments were discussed at a general membership meeting on June 6, 1977.

"In general, the neighborhood's concerns center on the scale of the development and the impact on traffic. Specifically:

- "1. The West wing of Children's Hospital will be two stories higher at the Sacramento Street side than at the California Street side. We believe that the Sacramento Street side should be reduced to no more than four stories above grade and that the California Street end be increased in height if necessary to accomplish this. We would hope that consideration be given to a set-back to occur two stories above grade at the Sacramento Street side of the West wing.

- "2. Cherry Street currently provides emergency access to Children's Hospital and access to its parking structure. To add the main entrance to Cherry Street will further overload the street and the dispersal of this traffic along Sacramento Street. The master plan for Marshall Hale Hospital provides parking, service and emergency access from California Street. The Association feels that the maximization of California Street for access to Children's Hospital reflects responsible planning, and hopes that studies to accomplish this will be undertaken.
- "3. The Association requests that the Department of City Planning include in the review process a traffic impact study of the proposed master plans of Children's Hospital and Marshall Hale Hospital on California and Sacramento Streets between Laurel Street and Arguello Boulevard. The scope of the report should include, but not be limited to:

- Existing and projected traffic count
- Existing and projected parking demand of staff and visitors
- Existing and projected off-street parking facilities utilization
- Role of public transportation routing, including potential re-routing of the No. 55 bus from Sacramento Street to California Street.
- Effect of establishment of limited parking zone in adjacent residential neighborhoods.

"The Association believes that the objectivity of the report would be best served if the consultant is under contract to the Department with reimbursement by the institutions involved.

- "4. The master plan for Children's Hospital indicates new construction to the property line along Sacramento Street, but the development of open space in the form of courtyards along California Street. Because Sacramento Street is more residential in character than California Street, such open space should more appropriately be provided along Sacramento Street.
- "5. The master plan for Children's Hospital includes the building known as 3905 Sacramento. This medical office building usage is based on a conditional use permit which expires in 1980. The Association is already on record as opposing the renewal of that permit, and requests that that building be removed from a master plan which reflects development in 1985.

"We would like to make a final parenthetical comments. We understand that these master plans and those of other health care facilities in San Francisco will require the approval of the West Bay HSA. Presumably, the HSA might conclude that some closing and consolidation of existing facilities is appropriate. Because of the impact of health care facilities on the adjoining neighborhoods we hope that the City Planning Commission will request HSA to review its recommendations with the Department of City Planning in order that final decisions reflect urban planning considerations in addition to strictly health care considerations."

Mr. Skov stated that he knew of only one or two individuals who had been included in the hospital's survey; and he advised the Commission that the hospital has continually been insensitive to the needs of the neighborhood.

President Lau stated that the Commission has been encouraging institutions to be more responsive to the concerns of the neighborhoods in which they are located; and, when conditional use applications are submitted for expansion programs, institutions can expect to have a confrontation before the Commission if they have not taken the neighborhood concerns into account by that time.

Jack Light, 306 Maple Street, stated that neither he nor his neighbors had been contacted by Children's Hospital. He remarked that many changes have been made both at Children's Hospital and at the Marshall Hale Hospital over the past ten years; and those changes have resulted in a significant increase in transient traffic in the subject neighborhood. All of the hospitals in San Francisco seem to be involved in insuring that they will continue to exist. However, hospital facilities in San Francisco are over-built; and he felt that it might be appropriate for some of the hospitals to reduce the number of beds available rather than to add additional beds. While he regarded Children's Hospital as a superb hospital, he emphasized that rational planning should involve the whole community.

Roy Johns, 3965 Sacramento Street, stated that he endorsed the comments which had been made by Mr. Skov. He believed that traffic and parking problems were obviously the major concern of residents of the neighborhood. He noted that the Master Plans which were before the Commission for consideration indicated that Children's Hospital proposed to increase its out-patient case load from 35,000 to 65,000 patients and that Marshall Hale Hospital planned to increase its out-patient case load from 5,000 to 14,000 patients; and he remarked that such an increase in patient services would have a significant impact on the neighborhood. In conclusion, he observed that the Secretary of the Department of Health, Education and Welfare had recently made remarks which were critical of "obese" hospitals which try to acquire all of the most modern equipment available whether it is needed or not.

Evelyn Worner, 3980 Clay Street, stated that she had never been contacted by representatives of Children's Hospital.

President Lau explained that one of the purposes of the public hearings on institutional Master Plan is to provide a forum in which residents can express their concerns.

Mrs. Bentley remarked that her prepared statement had indicated that 700 San Francisco residents living in the immediate vicinity of the hospital were surveyed; however, she had been advised that only 454 individuals had been involved in the survey. She also apologized for the fact that the Clay-Cherry Association had inadvertently been overlooked when neighborhood organizations in the area were invited to attend informational meetings regarding the hospital's planned program.

Mr. Tonkel stated that he had served as administrator of Children's Hospital for only three weeks: and he assured the Commission that he had taken note of the comments which had been made during the course of the public hearing.

A member of the audience inquired about the timing of Phases I, II, and III of the Hospital's proposed expansion program. Ms. Hansen, representing the hospital's architects, described what was contemplated in each of the three phases and explained the proposed construction schedule.

Commissioner Dearman indicated that she was concerned about the fact that all of the institutional Master Plans which had been reviewed by the Commission thus far contained proposals for expansion of ambulatory care programs; yet, each of the institutions was claiming that its proposed expansion program would not have a significant impact on the neighborhood in which it is located. Page 43 of the Master Plan for Children's Hospital describes the services which the hospital proposed to provide to the community which it serves; however, the boundaries of its service area were never specified. If the upper floors of the hospital's garage building are not fully utilized because of the lack of elevators, she questioned why the parking spaces on the upper floors could not be made available to employees of the hospital. While the hospital was proposing to increase its floor area by approximately 166,000 square feet, no additional off-street parking was being proposed. Data on page 55 of the Master Plan indicated that the hospital was proposing to expand the floor area of all of its departments with the exception of the housekeeping department. A sizeable increase in the assignable square feet for inhalation therapy was being proposed; yet the University of the Pacific Medical School had just received a grant for an inhalation therapy facility. She hoped that the questions and issues which she had raised would be taken into consideration by the hospital.

Commissioner Bierman stated that she had been unable to understand the demographic analysis in the Master Plan document which appeared to indicate that Children's Hospital has experienced a patient growth of approximately 17%.

Mr. Tonkel stated that he would discuss the demographic analysis with the staff of the Department of City Planning. With regard to the issues which had been raised by Commissioner Dearman, he indicated that certain of the suggestions which she had made would be explored. He stated that patients of Children's

Hospital are primarily from San Francisco; however, the hospital also serves outlying areas. He indicated that the inhalation therapy department of the hospital has been housed in extremely small quarters; and, as a result, the Master Plan had proposed that the department be given adequate space in which to operate.

Commissioner Dearman asked what percentage of the patients of Children's Hospital are economically or socially deprived. The person who had recently served as Acting Administrator of Children's Hospital replied that the hospital serves approximately 30,000 patients a year; however, he did not have information as to the percentage of those patients who are economically or socially deprived.

Commissioner Bierman asked if all of the patients served by the hospital must be able to pay for the services either individually or through programs such as Medicare or Medi-Cal. Mr. Tonkel replied that the hospital has some patients who are served for free.

Commissioner Dearman remarked that two statements were contained on page 78 of the Master Plan which were similar to statements which had been contained in other Master Plans which had been reviewed by the Commission and which seemed to be in conflict. One statement indicated that the hospital intended to avoid fragmentation and duplication of services to patients, thus keeping cost as low as possible; and the other statement indicated that the hospital intended to maintain medical quality through comprehensiveness of care. In her opinion, if each of the hospitals in San Francisco were to provide comprehensive care, services would inevitably be duplicated. Mrs. Bentley stated that the Board of Directors of Children's Hospital was concerned about duplication of services; and she indicated that the Board is meeting with representatives of other hospitals to discuss the problem. However, each of the hospitals had had to file a separate Master Plan.

Commissioner Bierman asked if the Master Plan which had been submitted by Children's Hospital had been designed to satisfy the institutional Master Plan ordinance or if it had been designed to reflect what the hospital really intends to do in the future. Mrs. Bentley replied that her Board had been under the impression that the Master Plan had to reflect any development which the hospital might possibly wish to undertake within the next ten years.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that the basic purpose of the institutional Master Plan was to provide information relating to actual development precepts.

Commissioner Dearman, noting that the Master Plan mentioned the possibility of acquiring additional parking spaces for employees of the hospital, stated that she was not aware of any available parking spaces in the vicinity of the hospital. Mr. Tonkel replied that the hospital intended to make better use of its existing off-street parking spaces; and in addition, it was considering the possibility of adding another floor to its parking structure. However, the hospital would continue to consider other options.

Commissioner Rosenblatt remarked that it is apparent that the city has too many hospital beds at the present time; however, based on the presentations which had been made by the hospitals which had appeared before the Commission thus far, it appeared that the problem five years from now may be an excessive amount of ambulatory care service. He indicated that the members of the Commission were extremely concerned not only with the physical impact of institutional expansion but also with the economic impact of expansion which would result in duplication of services and excessive capacity. As a result, he would be extremely interested in the recommendations of the state and local agencies which will have a responsibility for evaluating the need for new medical facilities which are proposed. Under present circumstances, the situation seemed hopeless to such an extent that the idea of establishing a moratorium on all new hospital construction until the hospitals are able to get together and coordinate their plans was becoming increasingly attractive. If nothing happens at the local level, he expected that the State or Federal government might become involved in the issues; and he felt that it would be preferable for the hospitals in San Francisco to assume responsibility for coordinating health care planning themselves rather than to wait for a situation to develop in which the local, State or Federal government would be involved.

Mr. Tonkel noted that Children's Hospital and two other hospitals have voluntarily made an attempt to coordinate their plans; however, he did not know if their attempts would be successful.

Commissioner Rosenblatt asked if there were any indications that other hospitals in San Francisco would join in the discussions which had been initiated. Mrs. Bentley replied that she did not know whether other hospitals would become involved.

Commissioner Dearman asked if Children's Hospital would be willing to consider a plan calling for reduction of services. Mr. Tonkel replied that he could not respond to that question at the present time.

Commissioner Bierman indicated that she agreed with the concerns which had been expressed by Commissioners Dearman and Rosenblatt.

Mervin Silverberg advised the Commission that hospitals allow doctors to practice at only one institution; and he felt that it might be easier to avoid duplication of facilities if doctors were allowed to practice in all of the city's hospitals. There has also been a trend towards locating medical office buildings near hospitals so that doctors can walk to the hospitals in which they practice without getting into their automobiles.

MP77.4 - PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR MARSHALL HALE MEMORIAL HOSPITAL, 3733 SACRAMENTO STREET, BETWEEN CALIFORNIA AND SACRAMENTO STREETS EAST OF MAPLE STREET.

Wayne Rieke, Planner IV(Zoning), stated that the staff of the Department of City Planning will be working further with Marshall Hale Hospital and its architects on transportation issues including a survey of needs and transit

action plans. The Master Plan which had been presented proposed the construction of a 203 car parking garage on the site of the present doctors' parking lot on California Street. Two residential buildings on Sacramento Street would be demolished for the proposed construction program of the hospital. Marshall Hale Hospital had employed the same architects and consultants as Children's Hospital in preparation of their Master Plan; and the Master Plan proposed new floor space to accommodate anticipated growth in ambulatory care. Since the new buildings proposed would tie into the existing hospital building, the new buildings would be of approximately the same height as the existing buildings.

Commissioner Rosenblatt, noting that the hour was late, stated that it was assumed that members of the Commission and individuals present in the audience had read the Master Plan; and he requested that the hospital forego its presentation of the Plan.

Dale Morgan, President of the Marshall Hale Memorial Hospital, discussed the mission and philosophy of the hospital. He also indicated that the hospital had corresponded or met with representatives of neighbor groups since the Master Plan was submitted to the Department of City Planning in December, 1976.

Ms. Hansen, representing the hospital's architects, described the basic elements of the proposed Master Plan.

Commissioner Rosenblatt asked if Marshall Hale Hospital had considered becoming involved in the discussions taking place between Children's Hospital and two other hospitals relative to a possible merger. Mr. Morgan replied in the negative, indicating that his hospital had not been invited to join those discussions.

Commissioner Rosenblatt then asked if Marshall Hale Hospital had considered a possible merger with Children's Hospital. Mr. Morgan replied that a number of conversations had taken place on that subject in the past; however, the difficulty of transporting patients across an open street which exists between the two facilities proposed a problem which would be extremely difficult to overcome.

Commissioner Rosenblatt, recognizing that his suggestion might be somewhat simplistic, asked if consideration had been given to the possibility of using the facilities at Children's Hospital for in-patient care and the facilities at Marshall Hale Hospital for out-patient care. Mr. Morgan replied that consolidation could not be approached in that way. He advised the Commission that Marshall Hale Hospital has had a 15% increase in admissions each year since 1971.

Commissioner Dearman remarked that the Master Plan for Children's Hospital had indicated that that hospital is a non-profit organization. The Master Plan for Marshall Hale Hospital had not identified that hospital as a non-profit organization; and she asked if it is operated for profit. Mr. Morgan replied in the negative, indicating that Marshall Hale Hospital has the same corporate structure as Children's Hospital.

Commissioner Dearman then asked about the hospital's admission policy. Mr. Morgan replied that the hospital admits anyone whom their attendant physicians might ask to have admitted. He stated that the hospital has very few patients who are not covered by third-party fees.

Rai Y. Okamoto, Director of Planning, asked if Marshall Hale Hospital tries to provide the same type of services as other hospitals or if it seeks to be different. Mr. Morgan replied that Marshall Hale Hospital does not try to emulate other hospitals. Its objective is to provide the services needed for acutely ill patients.

The Director observed that one way for hospitals to avoid duplication of services would be to emphasize their differences.

R. Spencer Steele, Assistant Director-Implementation (Zoning Administrator), stated that he regarded the most significant differences between Marshall Hale Hospital and other hospitals in the city to be the humanistic approach which Marshall Hale Hospital takes with regard to patient treatment.

John Skov, representing the Sacramento/Arguello Neighborhood Association, stated that he wished to commend Mr. Morgan and his staff for the way in which they had dealt with neighborhood organizations; and he indicated that his group had no basic problem with the hospital's Master Plan. However, with regard to the issue of coordination of services, he advised the Commission that both Marshall Hale Hospital and Children's Hospital had filed for CAT scanners at a cost of \$800,000 each within the last six months in spite of the fact that the two facilities are located across the street from each other.

Commissioner Rosenblatt asked Mr. Skov if the members of his association were unconcerned about the potential loss of two residential buildings owned by the hospital. Mr. Skov replied that the owner of those buildings is not a member of his organization; and, therefore, he was not in a position to represent him.

Commissioner Rosenblatt then observed that the Commission had found that most neighborhood organizations have major objections to proposals involving the removal of existing housing. Mr. Skov acknowledged that the loss of existing housing is a problem; and he remarked that some people tend to be hysterical on the subject.

Commissioner Bierman stated that she had understood that institutional Master Plans are supposed to contain an affirmative action plan; and she remarked that the Master Plan for Marshall Hale Memorial Hospital did not contain an affirmative action plan. She also indicated that she was concerned about statements on page 18 of the Master Plan which reflected on the concept that the growth of the hospital will be continuous. She observed that Marshall Hale Hospital has had a special reputation in San Francisco for what it is and how it operates; and she wondered why the hospital should consider continued growth to be necessary.

Mervin Silverberg noted that both Children's Hospital and Marshall Hale Hospital have different philosophies; yet, there are some doctors who are not

allowed to use both hospitals. He felt that that problem should be overcome. He also indicated that he had heard that there was a proposal to close Maple Street between Sacramento and California Streets. Since the closing of that street would eliminate a great deal of on-street parking, he indicated that he would be quite concerned about such a proposal.

Mr. Morgan replied that there might be advantages which would result if the street were to be closed; however, he indicated that his hospital had not considered such a proposal.

A resident of Parker Avenue remarked that Marshall Hale Hospital has a great reputation for the medical care which it offers; and he felt that the growth of the hospital should be encouraged.

The secretary called attention to a letter which had been received from John Bickel which read as follows:

"My wife and I own the property (3 flats) at 3729-33 Sacramento Street, (Assessor's Block 1017, Lot 23) which is the property directly to the east of the property owned by the Hale Hospital on Sacramento Street.

"It was not until 4:30 today that I was able to obtain a copy of the Hospital's Long Range Developmental Plan. I noticed on page 16 thereof that the hospital states it is in the process of meeting with seven different neighborhood associations and that mitigation matters will be reviewed and discussed. That may be, but we do not belong to any of these associations and had never been approached by the Hospital concerning its Plan, even though we own the property next door to it.

"As I understand the Plan, its proposal includes tearing down the two residential buildings to the west of ours and expanding the existing hospital buildings and parking space up to our western property line. I understand also that the expansion of the building will extend around our southern property line.

"My wife and I would like to go on record as opposing the Plan. It will apparently destroy two more residential, R-3, buildings on Sacramento Street which I believe have at least seven living units between them -- three in one building and four in the other.

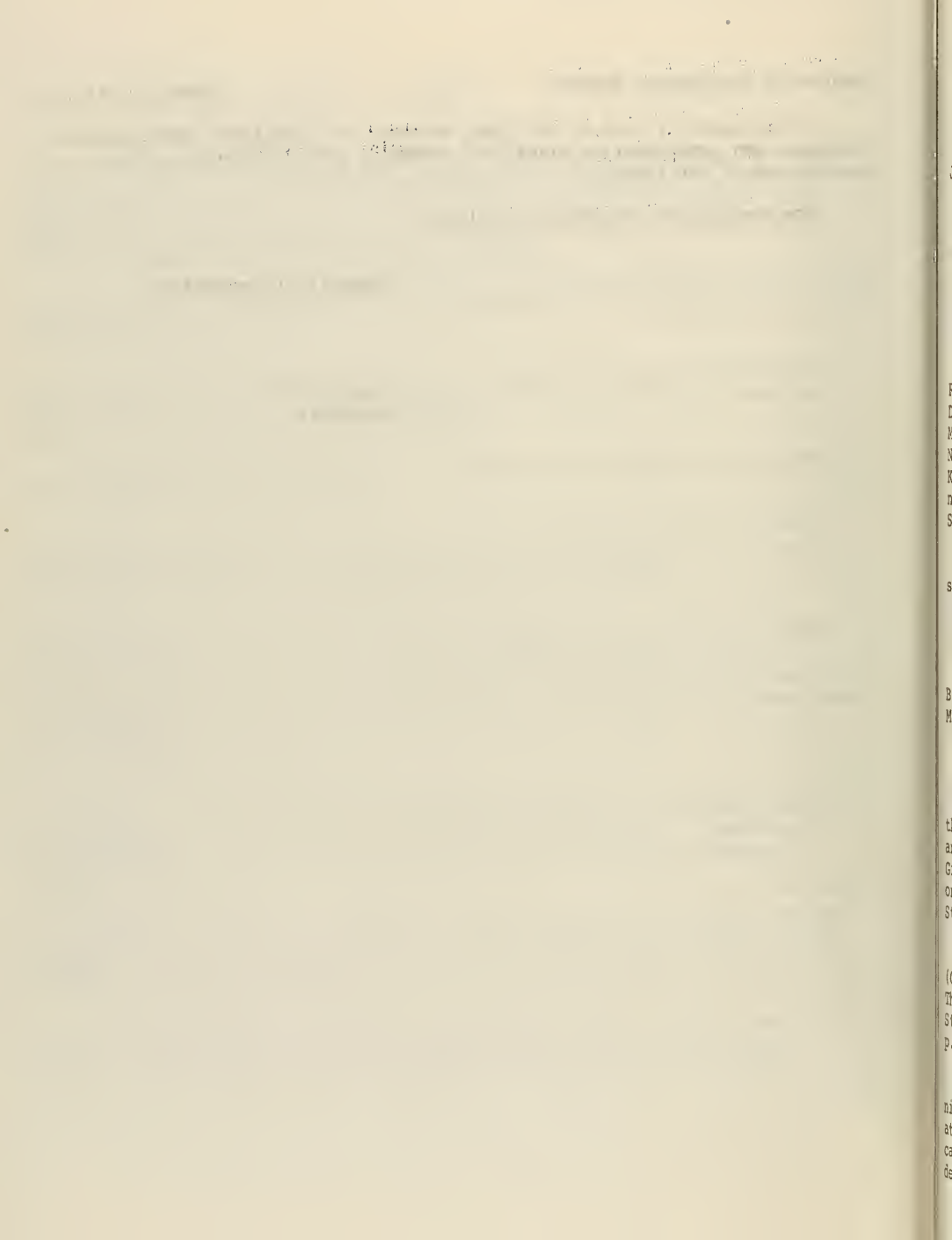
"The Plan will also "wall-in" the remaining houses at the eastern end of the block by expanding the present buildings right up to the easternmost property line of the Hospital's property.

"I was unable to see in the Plan, although my reading was admittedly not thorough, any consideration given those remaining property owners on the eastern end of the block."

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



— SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 16, 1977.

The City Planning Commission met pursuant to notice on Thursday, June 16, 1977, at 2:15 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; George A. Williams, Assistant Director-Plans and Programs; Richard Hedman, Planner V-Urban Design; Moira So, City Planning Coordinator; Dick Swanson, Staff Assistant IV; Nathaniel Taylor, Planner III; Marie Zeller, Planner III; Jeremy Kotas, Planner II; Edward Green, Planner I; Christine Haw, City Planning Intern; Sharon Robinson, City Planning Intern; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Marshall Kilduff represented the San Francisco Chronicle.

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of May 5, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission of the special meeting scheduled for next Tuesday, June 21, at 2:30 p.m. and 7:30 p.m. in the auditorium of the Public Health Building, 101 Grove Street. The purpose of the meeting is to hold a public hearing on the Draft Environmental Impact Report for the Westside Transport/Storage Project.

The Director reminded the members of the Implementation Committee (Commissioners Starbuck, Bierman, Dearman) of a meeting scheduled on Thursday, June 30, at 11:00 a.m. to discuss the Residential Zoning Study. The full Commission is scheduled to take a field trip at 12:45 p.m. on that date.

The Director reported on matters to be considered on the Planning, Housing and Development Committee of the Board of Supervisors at a meeting to be held next Tuesday, June 21, at 2:00 p.m. He indicated that that committee is considering a number of proposals for designation of buildings as landmarks.

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At this point in the proceedings, President Lau arrived in the meeting room and assumed the chair.

The Director reported that the Board of Supervisors, meeting on Monday, had voted 10-0 to sustain the Commission's rescision of conditional use authorization for a pet kennel in the Pets Unlimited facility at Fillmore and Washington Streets.

The Director announced that three Residential Zoning Workshops have been scheduled for concerned citizens of the Chinatown and Nob Hill areas on Saturday, June 25, Tuesday, June 28, and Saturday, July 16.

The Director advised members of the Commission that they had been invited to take a field trip with the San Francisco Council of District Merchants Associations on Thursday, July 21, at 12:00 noon. Members of the Commission indicated their willingness to accept the invitation.

The Director reported that the Wastewater Management Program had scheduled additional meetings to discuss design proposals for the Upper Great Highway and the Golden Gate National Recreation Area on Saturday morning, June 25, on Wednesday evening, June 29.

The Director informed the Commission that he was scheduled to attend a meeting of the San Francisco Planning and Urban Research Association (SPUR) that evening to discuss the Department of City Planning's work in the areas of commerce and industry.

The Director reported that he had had an opportunity to see the most recent model for the Yerba Buena Center project.

The Director introduced Christine Haw and Sharon Robinson who are serving as summer interns with the Department of City Planning. A third intern, Michael Munk, was not present at the meeting.

The Director reported on the first public hearing on the proposal to designate the Hayes Valley - Western Addition as a Rehabilitation Assistance Program (RAP) area which was held last Saturday. He indicated that individuals who had spoken during the public hearing had expressed concern about the impact of the program on rental rates and the possibility that present residents of the area would be displaced. Commissioner Bierman remarked that the leaflet which had been distributed by the staff of the Department of City Planning to advertise the hearing tended to emphasize the favorable aspects of the RAP program; and she suggested that leaflets prepared by the staff in the future should also remark on the problems which might be associated with a RAP project.

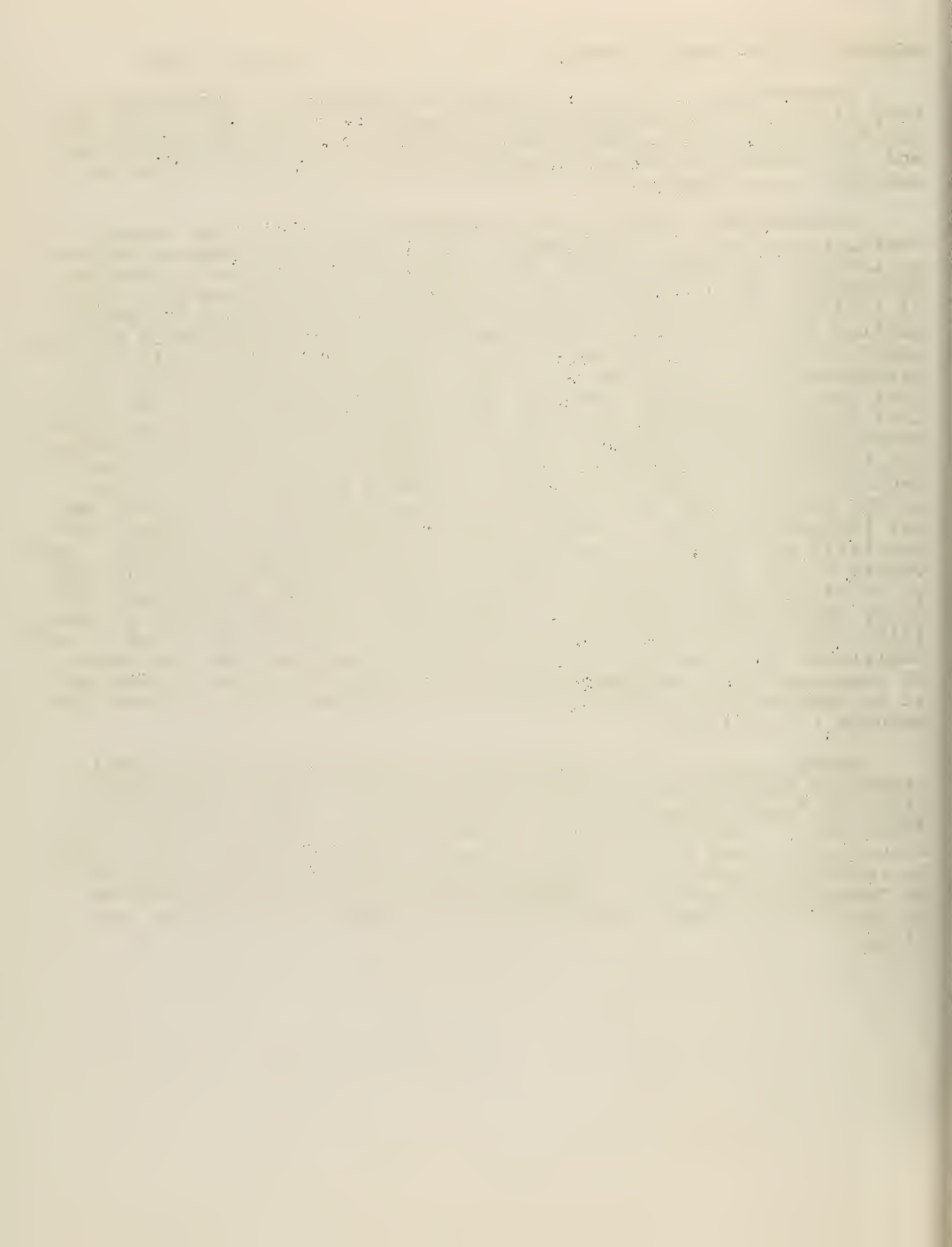


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Commissioner Starbuck requested the staff of the Department of City Planning to investigate the possibility of joint use of the proposed Performing Arts Center garage, particularly at the street level, and to transmit its recommendations, if any, to the Art Commission and the Parking Authority.

Commissioner Starbuck advised the Commission that the Zoning Administrator will be considering a floor area ratio variance for the building at 525 Market Street at a hearing to be held next Wednesday. The purpose of the proposal is to legalize existing gross floor area of 1,040,747 square feet of which 123,900 square feet was a bonus resulting from a proposed direct tunnel connection to BART which has not been provided. He indicated that the building had come within approximately 400 square feet of taking maximum advantage of the floor area bonuses available under the City Planning Code; and he did not feel that the amenities on which the bonuses were based have provided commensurate public benefit. Multiple public entrances were provided; but they are not extensively used. A plaza was included in the project; it is not visible or easily accessible from the street level of the building and really serves only employees of the building and not the general public. Other amenities which had been provided were similarly marginal in terms of their overall value to the public. The owners of the building had offered to contribute \$100,000 to the city to be used for the provision of amenities. However, that amount of money would enable the city to provide very little in the way of amenities; and it would represent only a small portion of the value of the additional floor space to the owners of the building over the years. He suggested that the Commission should reflect on these matters when it is considering buildings proposing to take advantage of floor area bonuses in the future.

Commissioner Elliott, noting that the Commission had previously discussed the proposed use of the second floor of the former Sears store on Outer Mission Street, stated that the college district had found that it would cost more than one million dollars to remodel that space; and, after spending that amount of money, the space would still be inadequate and the college districts occupancy of the space would be temporary in nature. Therefore, he asked the staff to consider whether it might have suggestions for alternate sites for the facility.



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CU77.33 - REVIEW OF WORDING OF RESOLUTION 7751 ADOPTED JUNE 9,
RS77.3 1977, DISAPPROVING A CONDITIONAL USE APPLICATION
FOR A FIVE LOT SUBDIVISION ON KAREN COURT WEST OF
HOLYOKE STREET; AND CONSIDERATION OF A DRAFT RESOLU-
TION FINDING THAT THE PROPOSED SUBDIVISION WOULD
NOT BE CONSISTENT WITH THE MASTER PLAN.

Robert Feldman, Planner II, stated that the staff of the Department of City Planning had recommended that the proposed subdivision be approved; and, therefore, when the Commission had acted to disapprove the conditional use application, it had been requested that the language of the resolution be reviewed with the Commission at this meeting. The staff had also prepared a draft resolution for consideration by the Commission which would find that the proposed subdivision is not consistent with the Master Plan. He distributed copies of both resolutions to the Commission. He also indicated that the applicant had pointed out that it is unlikely that property located across the street from the subject site will ever be developed; and, as a result, 275 feet of curb space would be available in front of that property for parking. He stated that the City Planning Commission had approved the creation of Karen Street as being in conformity with the Master Plan in 1964; and, one year later, the staff of the Department of City Planning had administratively approved a sewer easement for connection to the five lots which were now being proposed. However, since that time, the Master Plan had been substantially revised; and, in addition, the City had enacted a Subdivision Code.

Commissioner Dearman remarked that Karen Court is too narrow to accommodate parked automobiles on both sides of the street; and, as a result, she did not feel that the fact that the property on the other side of the street would remain undeveloped would help to solve the parking problem in the area. She asked the applicant if he would consider a four lot subdivision instead of the five lot subdivision which had been proposed.

Tony Sheehan, the applicant, stated that sewers and water meters had already been installed for five lots. They would have to be relocated if the subdivision were to contain only four lots; and, being a small contractor, he could not afford the cost of relocating the sewers and water meters. He stated that his plans would provide for nineteen feet of curb space between each of the houses which he proposed to build; and he indicated that the houses on the other side of the street provide less curb space.

President Lau stated that members of the Commission, in discussing this matter on June 9, had felt that it would be preferable to have only four new dwelling units rather than the five which had been proposed. While the Commission realized that such an action disapproving the proposed five-unit subdivision would ultimately be expen-

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sive to the owner of the property, the Commission felt that it was important to give some protection to a neighborhood which has serious parking and traffic problems.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the wording of Resolution No. 7751, as drafted by the staff, be approved. Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7752 be adopted finding that the proposed subdivision of the subject property into five lots is not consistent with the Master Plan.

CONSIDERATION OF A DRAFT RESOLUTION AUTHORIZING THE DIRECTOR OF PLANNING TO APPLY TO THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR \$75,000 IN ECONOMIC PLANNING ASSISTANCE GRANT FUNDS.

George A. Williams, Assistant Director-Plans and Programs, recommended the adoption of a draft resolution which contained the following resolved clauses:

"RESOLVED, That the Director of Planning be authorized to make application to the Economic Development Administration of the United States Department of Commerce in order to receive certain economic development planning grant funds which will be used in the preparation of Industrial District Improvement Plans, Commercial District Improvement Plans, evaluate the commercial and industrial provisions of the Planning Code, analyze local industries with particular growth potential, and pursue other city-wide economic development programs being formulated as part of the Strategies and Programs report. The Director of Planning shall be further authorized to utilize the funds granted the Department of City Planning for this purpose, and be it further

"RESOLVED, That the City's matching share shall be provided by in-kind personnel services and overhead; and be it further

"RESOLVED, That the City is committed to apply its affirmative action policy to economic development planning activities and, where consultant services are involved in such activities, to include the solicitation of minority consultants for such services."

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7753.



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CONSIDERATION OF A DRAFT RESOLUTION APPOINTING A WATERFRONT PLANNING ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT OF CITY PLANNING AND THE REDEVELOPMENT AGENCY IN A STUDY OF THE WATERFRONT SURVEY AREA.

Commissioner Rosenblatt stated that the Board of Supervisors, in designating a portion of the Northern Waterfront as a redevelopment survey area, had provided that a Citizens Advisory Committee should be appointed jointly by the Redevelopment Agency and the City Planning Commission. Tentative agreement had been reached on the membership of the committee; and he requested the Commission to adopt a draft resolution appointing the members of the Committee. He indicated that a similar resolution would be adopted by the Redevelopment Agency at its meeting next Tuesday.

Commissioner Bierman requested that ^{Garcia} Jim Coleman be included in the list of members of the Committee.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that Resolution No. 7754 be adopted appointing the members which had been recommended by Commissioner Rosenblatt, as amended.

At 3:15 p.m. President Lau announced a ten-minute recess. The Commission then moved to Room 282, City Hall, and reconvened at 3:25 p.m. for hearing of the remainder of the agenda.

CONTINUATION OF PUBLIC HEARING ON HOUSING REHABILITATION FINANCE STUDY RECOMMENDATION AND STAFF COMMENTS THEREON.
(CONTINUED FROM MEETING OF MAY 19, 1977.)

George A. Williams, Assistant Director-Plans and Programs, reported that an ad hoc committee of the Commission consisting of Commissioners Bierman, Rosenblatt, and Starbuck, had met on June 2 to discuss the consultants' recommendations and the staff comments on those recommendations. He stated that he understood that a number of people who were present in the audience were concerned about the consultants' recommendation for a pre-sale inspection program; and, in that regard, he read the staff comment on that recommendation, as follows:

"Staff believes that a Presale Inspection System has many desirable and potentially effective features. It would make building deficiencies known to the buyer at the time of sale when the cost of financing of the required improvements can be structured into the financing of the purchase. In apartment houses and hotels subject to routine DAHI inspections, the recommended

presale inspection and report would require a shift in the timing and intensity of the DAHI Permit-of-Occupancy inspection in the building. In one and two family structures, the recommended system of presale physical inspection and report would constitute a new operation which would require additional staff and offsetting fee revenue. (Consultants estimate eight new inspectors for a caseload of 8,000 inspections per year.) Additional research into the experience of other cities, and into how the system could be implemented in the context of private real estate transactions is necessary before taking action to develop specific legislative proposals.

Mr. Williams stated that it was the intention of the staff of the Department of City Planning to ask for the Commission's endorsement of the staff comments at the conclusion of the public hearing; and, if that endorsement were forthcoming, the staff would work with all interested parties for a series of several months to develop specific legislative and administrative proposals for the implementation of the recommendations.

Mr. Parmenter, a member of the audience, stated that he did not feel that the proposal for a pre-sale inspection program was a good idea. It is the responsibility of building inspectors to see that buildings in San Francisco are kept up to code standards; however, they have been lax in their enforcement procedures. He remarked that San Francisco is losing population; and he remarked that San Francisco already has more bureaucratic procedures than cities twice its size. He felt that the proposed pre-sale inspection was somehow mandated by the Federal government based on the city's acceptance of Federal funds; and he indicated that he was opposed to such meddling by the Federal government in local affairs.

Jud Thomas, a real estate broker, indicated that he supported the remarks which had been made by Mr. Parmenter. He believed that the proposed pre-sale inspections would cost approximately \$150 on the average; and he estimated that approximately 8,000 pre-sale inspections would have to be made each year. The consultants had proposed that eight new building inspectors be hired for the program; however, if 8,000 inspections were to be made each year, each of the inspectors would have to make four inspections each day. Unless experts were hired, the building inspectors would have to work in teams in order to cover the various types of possible violations adequately. He assumed that the building inspectors would be working under the jurisdiction of the Department of City Planning. If they would be working under the Department of Public Works, he questioned why the program was being proposed by the Department of City Planning.

Rai Y. Okamoto, Director of Planning, stated that the building inspectors would be working out of the Department of Public Works; and he indicated that the Department of Public Works' Bureau of Building Inspection had been involved in the Housing Rehabilitation Finance Study.

Mr. Thomas stated that the building inspectors are not handling 3-R reports efficiently; and he noted that the staff report had contained no mention of the amount of administrative work that would be involved in processing 8,000 additional building inspections each year. He advised the Commission that closing of property sales must be made at a precise time; and he feared that delays in processing the building inspections would interfere with the closing schedule. He stated that he was completely opposed to the proposal for pre-sale inspections; and he expressed the opinion that too many committees are already trying to run our lives.

Michael Bird, an attorney, guessed that the proposal for a pre-sale inspection program had been made because of an assumption that no real incentive exists at the present time for new homeowners to correct code deficiencies in their buildings; and he stated that that assumption was incorrect. He advised the Commission that a Supreme Court decision requires owners of rental property to maintain their buildings in a habitable condition; and, in rendering that decision, the court had referred to the Uniform Building Code to define a "safe and habitable" building. Tenants who believe that their buildings are not being maintained in a safe and habitable condition may withhold their rent pending correction of the deficiencies.

President Lau observed that the court decision relates to landlord/tenant relations whereas the proposal for pre-sale inspections relates to relations between a buyer and a seller of property.

Mr. Bird stated that many buildings in San Francisco are not maintained in accordance with code standards; and the tenants of such building have a right to withhold their rental payments until the buildings are brought into compliance with the law. The staff of the Department of City Planning appeared to feel that the only time that code violations can be controlled is at the time that property is sold; but he wished to emphasize that there are other requirements and incentives for achieving compliance with applicable codes.

Robert Amore, a member of the San Francisco Board of Realtors, stated that he was in favor of disclosing the condition of a building to a prospective buyer before the building is sold; however, he felt that State Senate Bill 330, which is presently being considered by the State Legislature, would take care of the situation by requiring the disclosure of any uncorrected housing code violations. Furthermore, a private firm in San Francisco makes inspections and reports

their findings to sellers of buildings who can pass the information on to prospective buyers. Under the circumstances, he did not feel that the program being considered by the Commission would be necessary.

Commissioner Starbuck asked why Mr. Amore would support a pre-sale inspection mandated by Sacramento as opposed to a pre-sale inspection mandated locally. Mr. Amore replied that he saw no need to have two agencies administering similar programs; Commissioner Starbuck stated that he assumed that San Francisco would have only one group of inspectors in any case.

Mr. Williams stated that the proposed State legislation would require a seller to supply information to a prospective buyer concerning the state of his building; and the procedure which had been recommended to the Commission was that a public agency would provide the information to the prospective purchaser in the form of a 3-R report. A new inspection of the building would be made to determine if any violations exist other than the ones which had already been disclosed. Mr. Amore stated that he would be opposed to hiring any additional building inspectors; and he indicated that he felt that the situation could be handled adequately by private enterprise.

Commissioner Rosenblatt asked if the private inspection services to which Mr. Amore had referred supplies information concerning the compliance of buildings with specific provisions of City codes. Mr. Amore replied in the negative, indicating that the private inspectors merely look at such details as wiring, plumbing, heaters, roofs, and foundations and report whether they appear to be in good condition.

Paul Haskell, a real estate salesman, asked if any deficiencies found would have to be corrected before the building could be sold. Mr. Williams replied in the negative, indicating that the proposed program would merely specify that any deficiencies found would be disclosed to the prospective buyer.

Mr. Haskell advised the Commission that realtors can lose their licenses if they have knowledge that a building has deficiencies and if they do not pass that information on to prospective purchasers. He felt that prospective purchasers might be scared away if they were to be presented with a long list of deficiencies by a city agency. The proposed program would take away a prospective buyer's right to purchase "as is" property; and it would cost the seller of a parcel of property at least \$150. If the proposed program was being proposed to take advantage of Federal funds, he felt that there should be a better way to use those funds.

Virginia Fusco, a property owner in the Marina District, referred to page 20 of the staff comments where six measures were recommended

in support of the programs and administrative changes which had been recommended by the consultants; and she indicated that she felt that the recommendations were just a lot of "malarkey". She suspected that the new programs were being proposed to take advantage of the availability of Federal funds; and she believed that the end result would be to slap a big tax burden on the citizens of San Francisco. She stated that the citizens of San Francisco have had enough.

David Scott, a Vice-President of the San Francisco Board of Realtors, stated that he felt that everyone in the room would agree that people should know what they are buying before the transaction is finalized; however, there was disagreement as to how that objective should be achieved. He expected that the consultants had assumed that money for the correction of any deficiencies identified at the time of sale could be provided as part of the financing package; however, since less than one half of a percent of all real estate loans in San Francisco are for property improvements, he felt that bringing building deficiencies to the attention of prospective purchasers at the time of sale would serve no useful purpose. He remarked that San Francisco has a great many "mother-in-law apartments"; and he believed that the pre-sale inspections which had been proposed would result in the elimination of those units. He felt that that would be the wrong thing to do when San Francisco has a need for low-cost housing. Since possibly 8,000 transfers of property take place in San Francisco each year, eight new building inspectors would be able to spend only four hours on each inspection; and administration and record keeping of the inspection program would have to be accomplished within that four hour period. He believed that the city should limit itself to enforcing laws which have already been enacted and to try to eliminate the existing backlog.

Michael McGill, Associate Director of the San Francisco Planning and Urban Research Association (SPUR), felt that two of the consultants' recommendations, those calling for creation of an Office of Housing Finance and the implementation of a pre-sale inspection program, should be implemented as quickly as possible. If unsafe housing conditions exist in San Francisco; and it was his impression that they do, they should be corrected; and, instead of allowing the State to take the initiative in the matter, he felt that San Francisco should address the problem itself. He agreed with other speakers that eight new building inspectors would probably not be enough to handle the pre-sale inspection program; but he did not know how many inspectors would be required for the project. While he acknowledged that the Home Warranty Program being initiated by the private sector might have the potential to solve the problem, he felt that the city should take matters into its own hands until that approach has been proven to be reliable. He also suggested that the City should make an effort

to achieve greater consistency in the way that the various codes are interpreted by building inspectors; and he agreed with the consultants' recommendation that the codes should be reviewed on an annual basis to determine if they continue to be reasonable. He felt that those considerations should be taken into account by the Commission before the proposal for a pre-sale inspection program is rejected out-of-hand. If real estate brokers are liable for reporting code deficiencies to prospective purchasers, he wondered if one should assume that no buildings are being sold with deficiencies or that the buyers do not care that the buildings do have deficiencies. Lawsuits by tenants can be highly disruptive and costly; and, given the present staff of the Bureau of Building Inspection, he doubted that they would be able to perform all of the inspections which might be required by the Courts. It seemed to him that the proposal for a pre-sale inspection would be a very wise solution to the problem. If code violations are made known to lending firms at the time that a property is purchased, the lending firms may be willing to provide loans for correction of deficiencies. At the present time, it is extremely difficult to obtain financing for rehabilitation work after a property has already been purchased. In conclusion, Mr. McGill stated that he believed that rejection of the proposal for a pre-sale inspection program at the present time would ultimately bring about more punitive legislation in the long run.

David Finn, a realtor, observed that some people who might not ordinarily be able to afford to purchase a house can purchase properties needing work at a reasonable price and do the work themselves over a period of time. If the code deficiencies were identified at the time of sale, lending institutions would require that the work to correct the deficiencies be done immediately and that it be done by a licensed contractor; and, as a result, the prospective purchaser would be co-opted from doing the repair work himself. He stated that it is easy to notice when the exterior of a building is in a run-down condition; and he felt that the average person would assume that such a building would have problems inside as well. Yet, the Bureau of Building Inspection has not required property owners to bring their buildings into compliance with city codes under such circumstances. As a result, blighted buildings exist in the midst of homes which have been rehabilitated by their owners. He felt that the proposed pre-sale inspection program would just add another layer of bureaucracy to the situation. If the proposed project were to be funded by Federal funds, he felt that the funds should be returned to the Federal government to reduce its debt. He indicated that many people wish to purchase property in San Francisco; and he credited the popularity of San Francisco property not to anything that the city has done but to the efforts of private individuals.

Louis Goldkind, Chairman of the Planning and Zoning Committee of the San Francisco Board of Realtors, referred to a sentence on page 15 of the staff comments relating to the proposed pre-sale inspection system which read as follows: "It would make building deficiencies known to the buyer at the time of sale when the cost of financing the required improvements can be structured into the financing of the purchase". He felt that the real result would be to reduce the amount of money which could be obtained for financing the purchase of the property; and that situation would impose a hardship on a purchaser who wished to undertake the rehabilitation work gradually. The staff had also noted that in apartment houses and hotels subject to routine DAHI inspections, the recommended pre-sale inspection and report would require a shift in the timing and intensity of the DAHI permit-of-occupancy inspection in the building. He stated that DAHI inspections are thorough; and he indicated that he was in favor of them. However, he questioned what changes in those inspections would be required to accommodate the pre-sale inspection system. Instead of adding new inspectors to perform a new function, he felt that the city should commit itself to enforcement of city codes as they presently exist.

Commissioner Rosenblatt asked if the San Francisco Board of Realtors had analyzed the other proposals contained in the consultants' report.

Mr. Marinko, President of the San Francisco Board of Realtors, stated that they felt that some of the procedures proposed in the consultants' report might be illegal; but they would be willing to sit down with the Commission or staff to discuss the proposals. However, if a situation should develop in which buyers and sellers are left to grapple with the problem of correcting building code deficiencies by themselves, his board would be prepared to fight.

President Lau, noting that some of the realtors who had addressed the Commission had indicated that they did not feel that the Bureau of Building Inspection is doing its job properly, asked if any complaints had been lodged directly with the Bureau of Building Inspection.

Mr. Scott replied in the negative. He stated that he had asked three architects to appear before the Commission in opposition to the proposal for a pre-sale inspection system; but each of those individuals had declined to attend the meeting because they have cases pending before the Department of City Planning. The Board of Realtors had refrained from filing complaints with the Bureau of Building Inspection for similar reasons.

Jim Fabris, Executive Vice-President of the San Francisco Board of Realtors, stated that he had addressed the Commission on the issue

of code enforcement on a number of occasions; and he emphasized that his Board supports strict enforcement of the building codes in San Francisco.

Commissioner Bierman felt that serious consideration should be given to a pre-sale inspection system. Under present circumstances, people who purchase a house or a two-or three-unit apartment building may not have sufficient funds to do rehabilitation work; and, if they are later required to bring their buildings up to code standards under such programs as the Rehabilitation Assistance Program, they may run the risk of losing their property. She regarded the problem as a serious one; and she suggested that the individuals opposed to a pre-sale inspection system should propose a suitable alternative to resolve the problem if the pre-sale inspection program is to be avoided.

Mr. Fabris remarked that the subject of the consultants' study was housing rehabilitation; and the basic recommendation offered by the consultants was that code enforcement was the tool which should be used to achieve rehabilitation of the city's housing stock. Yet, he pointed out that local codes are concerned with many ancillary features which really do not relate to life-safety issues.

Miss Fusco stated that her house was constructed forty years ago; and if she were required to bring it up to code standards today, she felt that it would be cheaper to tear the building down. She felt that initiation of a pre-sale inspection program would be tantamount to opening up Pandora's Box.

Commissioner Rosenblatt asked if the Board of Realtors would be willing to develop a committee which would work with the Commission and the staff of the Department of City Planning in analyzing the complete consultant report. He emphasized that the matter is still at the study level; and he felt that the expertise of the Board of Realtors would constitute a valuable input to the study.

Mr. Marinko replied that he would be willing to establish such a committee.

Roy Brown, a realtor, advised the Commission that the real estate cycle is heavier at certain times of the year than at other times; and, as a result, the 8,000 pre-sale inspections which would occur during the course of the year would not necessarily be spread out evenly. He stated that he was in favor of having procedures for disclosing building violations; however, he felt that the burden of correcting building deficiencies should not be one which would have to be resolved through negotiations between a buyer and a seller. He indicated that it takes from three to four weeks to get a 3-R report

from the Bureau of Building Inspection at the present time; and he feared that the pre-sale inspection program would add to the delay in issuing those reports. While he was opposed to the pre-sale inspection program, he advised the Commission that he would not be able to go home at night and face his family if his days were spent foisting shoddy buildings onto members of the public.

Ron Hindman, a realtor, observed that everyone's mutual objective should be to make the housing in San Francisco safe. He remarked that more than fifty percent of the residents of San Francisco are tenants; and he felt that whatever is done should be done to protect tenants from poor housing. However, he preferred that the effort should be made by private enterprise instead of by a bureaucratic agency. The basic concern should be that work needed to make buildings safe gets done with or without a permit. He stated that very few lending institutions in San Francisco will make loans for buildings which are known to have code violations; and, if they do, they usually apply a substantial "hold-back".

Louis Hopper of Pyramid Realty stated that he had previously lived in New York City where buildings have been abandoned because they are unsaleable. San Francisco has many three and four unit buildings which are owner-occupied; and, if those individuals should be frightened away, San Francisco would be left with rotting wood frame buildings. He stated that code enforcement is a joke in New York City...none is done; and he believed that the resources of the Bureau of Building Inspection in San Francisco should be used for code enforcement in larger buildings as opposed to smaller ones.

Mr. Kenny, also an associate of Pyramid Realty, remarked that the pre-sale inspection program had been proposed with the objective of protecting buyers against code violations; but he believed that such a program would actually prevent a prospective purchaser from buying property. Even if the pre-sale inspection program were implemented, it would offer no guarantee that corrective work would be done; and he felt that that was the problem which should be addressed by the Commission. He believed that the existing provisions of the city codes should be enforced as they stand and that no new agency should be established. Prospective buyers should be able to spot deficiencies in the buildings which they are inspecting; and if they do not wish to purchase a building with deficiencies, they have that option. But if the deficiencies were made a matter of public record, sellers might be forced to sell at a loss.

Gordon Blackey stated that he had a number of objections to the consultants' proposal based on his general aversion to any "framework of bureaucratic intervention". The number of building inspectors who would be available to implement the program as well as the actual

cost of the program were vague; and he found some of the language which had been used in the consultants' report to be incomprehensible.

Ronald Jonash, one of the Department's consultants on the study, emphasized that the report which had been presented to the Department of City Planning was a large one; and he felt that individual recommendations which had been made in the report should be considered in the context of all of the other recommendations which had been made. He remarked that code enforcement can be a problem for elderly people and people living on a fixed income; and, as a result, he felt that the perfect solution would be to institute a pre-sale inspection program so that any deficiencies could be identified when a building is already in the process of being sold. However, he doubted that that program, if applied as a single tool, would work. He stated that the recommendations which had been offered by the consultants were intended to be made the subject of further study; and no specific legislation had been recommended.

Miss Fusco inquired about the cost of the Rehabilitation Finance Study. Mr. Jonash replied that the study had cost \$50,000 and indicated that it had been financed by the Federal Department of Housing and Urban Development.

Roger Bernhardt, a professor of law, felt that the proposed pre-sale inspection program would be the most rational way of approaching code enforcement. While real estate brokers may be required to disclose any building deficiencies of which they have knowledge, that fact has little relationship to implementing code enforcement. Issues taken to court may result in reduced rental rates rather than correction of building deficiencies. To make inspections at the time of a proposed sale would be the cheapest method of code enforcement; and such inspections would lessen the need for lawsuits based on fraud which can involve gigantic costs. Some of the realtors who had addressed the Commission had assumed that disclosures of building deficiencies would stop real estate sales in San Francisco. He did not agree. Furthermore, he felt that the money spent for pre-sale building inspections would provide a greater service to prospective purchasers than the \$500 which they currently pay for title insurance. He believed that life-safety factors should be separated from the more trivial aspects of the city's codes; and he suggested that the concept of having informal building inspections should be endorsed and implemented.

Mr. Scott urged the Commission not to enact the pre-sale inspection program. If such a program should be enacted, realtors would be aware of their right to go to the Abatement Appeals Board or to the Board of Permit Appeals to get relief; however, many people might not be aware that they have such a recourse. He advised the Commission

that San Francisco codes are full of trivial things. For instance, local codes prohibit a dishwasher from being on the same electrical circuit as other appliances; yet, such hook-ups are legal in every other county in the state.

Wallace Wortman, Director of Property for the City and County of San Francisco, stated that he had submitted six pages of comments to the Commission; however, he did not feel that it would be necessary to read all of those comments at the present time. He believed that it would be extremely important to the future operation of the Rehabilitation Assistance Program that loan processing and appraisal work should be separated from the new Housing Finance Agency if that agency should be created.

President Lau expressed appreciation to members of the audience for attending the hearing. He felt that most of the comments had been very relevant; and he indicated that they would be studied by both the staff and the Commission.

Mr. Williams recommended the adoption of a draft resolution which contained the following resolved clauses:

"NOW THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission accepts the final report of the consultants with gratitude for a difficult job well done and does hereby endorse the staff comments on the Rehabilitation Financing Study as general statements of the types of programs, administrative changes, and reorganizational concepts that should be further reviewed and where appropriate pursued by the relevant City agencies, and the public, to improve and expand the City's overall rehabilitation programs in furtherance of the City's primary housing objective, as stated in the Residence Element of the Master Plan, to 'Preserve, improve and maintain the City's housing stock.'; and

"BE IT FURTHER RESOLVED, That this Commission urges the staff of the Department of City Planning to work with all interested City agencies and Departments, members of the public, the Mayor's Office, the Board of Supervisors, and other public organizations to develop specific legislative and administrative proposals for the implementation of the recommendations as called for in the staff comments on the consultants' recommendations resulting from this study, and to bring such proposals to this Commission for further public review and endorsement."

Mr. Scott objected to the staff proposal that the Commission "accept" the final report of the consultants. He felt that it would be more appropriate for the Commission to "receive" the report. Mr. Williams agreed to change the language of the draft resolution accordingly.

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution, as modified, be adopted as City Planning Resolution No. 7755.

At 5:35 p.m. President Lau announced that the meeting was recessed. Members of the Commission then proceeded to the meeting room at 100 Larkin Street and reconvened at 5:50 p.m. for hearing of the remainder of the agenda.

Commissioners Elliott and Lau were absent from the meeting room for the remainder of the meeting.

CONSIDERATION OF STAFF COMMENTS ON THE SAN FRANCISCO SITES IN THE DOCUMENT, ASSESSMENT OF ALTERNATIVES: GOLDEN GATE NATIONAL RECREATION AREA AND POINT REYES NATIONAL SEASHORE, MAY 1977

Marie Zeller, Planner III, submitted and summarized a 24-page memorandum which had been prepared to indicate the staff responses to the alternatives which had been proposed by the Golden Gate National Recreation Area. The memorandum, dated June 16, 1977, is available in the files of the Department of City Planning. As a result of the discussion which ensued, the Commission requested that certain changes be made in the text of the memorandum. Subsequently, it was moved by Commissioner Dearman, seconded by Commissioner Bierman, and carried unanimously that the staff comments, as revised, be approved and that the staff be authorized to submit the revised comments to the Golden Gate National Recreation Area.

PRESENTATION OF THE FINDINGS OF THE DEPARTMENT OF CITY PLANNING'S SURVEY OF ARCHITECTURALLY SIGNIFICANT BUILDINGS IN SAN FRANCISCO. (POSTPONED FROM THE MEETING OF APRIL 21, 1977.)

This matter was postponed indefinitely because of the lateness of the hour.

PROGRESS REPORT ON THE CHINATOWN REDEVELOPMENT SURVEY AREA

This matter also was postponed indefinitely.

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION
SUMMARY AND MINUTES
OF THE
SPECIAL MEETING
HELD
TUESDAY, JUNE 21, 1977
PUBLIC HEALTH AUDITORIUM
ROOM 300
101 GROVE STREET
2:30 P.M. AND 7:30 P.M.

The City Planning Commission met pursuant to notice on Tuesday, June 21, 1977, at 2:30 p.m. in the Public Health Auditorium, Room 300, 101 Grove Street.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice-President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Selina Bendix, Environmental Review Officer; Mary Anne Miller, Planner II; Barbara Sahn, Environmental Review Analyst; and Lynn E. Pio, Secretary.

Marshall Kilduff represented the San Francisco Chronicle; and Dan Borsuk represented the San Francisco Progress.

EE75.304 - PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WESTSIDE TRANSPORT/STORAGE PROJECT, WASTEWATER MANAGEMENT IMPLEMENTATION PROJECT IX, INVOLVING A CONSOLIDATION SEWER UP TO 50 FEET WIDE BY MORE THAN 30 FEET DEEP UNDER THE UPPER GREAT HIGHWAY; A PUMP STATION APPROXIMATELY 20 FEET HIGH, 65 FEET WIDE AND 230 FEET LONG, SOUTH OF SLOAT BOULEVARD; ASSOCIATED SEWERAGE FACILITIES; AND RECONSTRUCTION OF THE UPPER GREAT HIGHWAY FOLLOWING CONSTRUCTION OF THE PROPOSED SEWER PROJECT COMPONENTS.

Selina Bendix, Environmental Review Officer, summarized the Draft Environmental Impact Report and responded to questions raised by members of the Commission.

The Commission then received and responded to comments made by members of the audience including: Martin Larkin, 4733 Lincoln Way and a member of the Tides End Community Association (TEKA); Ernst M. Feibusch, 2821 Taraval Street and a representative of the California Youth Soccer Association; Alan Friedland, Chief of the Bureau of Sanitary Engineering in the Department of Public Works; George Tainter, 4145 Ocean Avenue and a representative of the Lakeshore Acres Homes Association; David Louman, 1710-30th Avenue; Jesse Tepper, 1467 Clayton Street; Shirley Dambouradjian, 2116 Great Highway; Adolph Barbosa, 2112 Great Highway;

JUNE 21, 1977

Stephen G. Kakos, 2108 Great Highway; George Gates, 2594 Great Highway; Shari Mann, 1910 Great Highway, and a representative of the Sunset/Parkside Education and Action Committee (SPEAK); Larry Erickson, 1329 - 7th Avenue, also a representative of SPEAK; and Robert Baccl, 5844 Geary Boulevard and Secretary of the Geary Merchants Association.

The Commission recessed for dinner at 5:15 p.m. The meeting was reconvened at 7:40 p.m. and the public hearing was resumed. Comments were received from: A. R. Roderick, 1351 La Playa and a member of TEKA; Judy E. McCabe, 2206 Great Highway and a representative of the Great Highway Tenants Association and the Western San Francisco Coalition; Gordon Hansen, representing the Traffic Engineering Bureau of the Department of Public Works; Dan Birrer, representing the Bureau of Sanitary Engineering of the Department of Public Works; Elaine Grimm, 1924 Great Highway, and a representative of the Sunset Community Council; Shari Mann who read a statement prepared by Amy Meyer of People for a Golden Gate National Recreation Area; Willa Drummond, 1763 - 48th Avenue; Randall Jones, representing the Committee to Save Fleishhacker Pool; Michael Nurre, also representing the Committee to Save Fleishhacker Pool; Stephen D. Ziman, representing the San Francisco Bay Area Chapter of the Sierra Club; Marilyn Lohrbach, 4721 Lincoln Way; Rebecca Stillman Witter, 1268 - 5th Avenue. Richard Petrick, 1488 La Playa and a member of TEKA; Jim Walsh, 2662 - 40th Avenue and the Vice-President of SPEAK; Dennis Hyde, 1285 - 2nd Avenue and a member of the Western San Francisco Coalition; Richard Sklar of the Wastewater Management Program; S. Myron Tatarian, Director of Public Works; Gretchen Cotter, 4116 Ortega Street; Dennis Oroke, 711 - 48 h Avenue; and Robert Purdy of Kennedy Engineers.

When it was determined that no one else wished to address the Commission on this matter, it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the public hearing be closed. The Commission also invited members of the public to submit additional comments in writing by June 26.

A standard tape cassette recording of the proceedings is available in the files of the Department of City Planning for public listening or transcription.

In addition, Barbara Moore and Rita R. Lerner, Court Reporters, were present and will prepare a transcript of the proceedings which will be available in the files of the Department of City Planning.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

—SAN FRANCISCO
—CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 23, 1977.

The City Planning Commission met pursuant to notice on Thursday, June 23, 1977, at 2:15 p.m. in Room 282, City Hall.

PRESENT: Gordon J. Lau, President; Toby Rosenblatt, Vice President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: None.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Wayne Rieke, Planner IV (Zoning); Alec Bash, City Planning Coordinator; Robert Meyers, City Planning coordinator; Douglas Holmen, Planner II; and Lynn E. Pio, Secretary.

Donald Canter represented the San Francisco Examiner; and Dan Borsuk represented the San Francisco Progress.

APPROVAL OF MINUTES

It was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman, and carried unanimously that the minutes of the meeting of May 19, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, reminded the Commission that the first of a series of three Residential Zoning Workshops for concerned citizens of the Chinatown-Nob Hill areas will be held this Saturday, June 25, from 1:00 p.m. until 4:00 p.m. at the Commodore Stockton School, 950 Clay Street.

The Director reported that Mayor Moscone has initiated a Neighborhood Business Outreach Program. Although the Department of City Planning had not yet been contacted by the Director of the program, he expected that the Department of City Planning would work closely with the new bureau in the future.

The Director advised the Commission that the Finance Committee of the Board of Supervisors, meeting on Wednesday, had approved the Department of City Planning's application to the Federal Economic Development Administration for grant funds.

At this point in the proceedings, Commissioners Dearman and Elliott arrived in the Commission Room and assumed their seats at the Commission Table.

The Director reminded members of the Implementation Committee (Commissioners Starbuck, Bierman, Dearman) of a meeting scheduled next Thursday, June 30, at 11:00 a.m. to discuss the Residential Zoning Study.

The Director announced that the Memorandum of Understanding defining the responsibilities of the Department of City Planning, the Redevelopment Agency and the Port relative to the Redevelopment Survey Area in the Northeastern Waterfront would be signed the next day.

The Director reported that the Planning, Housing, and Development Committee of the Board of Supervisors, meeting on Tuesday, had voted 2 to 1 to recommend to the full Board that the proposal to designate the Castro Theater as a Landmark be disapproved.

The Director informed the Commission that the most recent plans for Yerba Buena Center had been unveiled; and he indicated that the staff of the Department of City Planning will prepare comments relating to the proposed plans.

At this point in the proceedings, President Lau absented himself from the meeting room and Vice President Rosenblatt assumed the Chair.

Mrs. G. Bland Platt, President of the Landmarks Preservation Advisory Board, stated that she had attended the Planning, Housing, and Development Committee meeting and indicated that she was concerned not only about the vote on the Castro Theater but also about comments which had been made by members of the Committee during the hearing. Supervisor Tamaras had suggested that the buildings constructed after 1900 should not be given landmark status; and Supervisor Von Beroldingen had been under the impression that the City Planning Code provides that buildings may not be designated as landmarks without the approval of their owners.

Commissioner Bierman asked if a date had been set for consideration of a request for discretionary review of the building permit application for property at 63 Mullen Avenue. Robert Passmore, Planner V (Zoning), replied that the matter will be calendared for the meeting of June 30, 1977.

It was moved by Commissioner Dearman, seconded by Commissioner Carey and carried unanimously that Resolution No. 7756 be adopted commending James J. Finn on the occasion of his retirement from the service of the City and County of San Francisco. Mr. Finn had served as the Manager of Utilities' voting alternate on the City Planning Commission from 1969 through 1972 and from 1974 through March 3 of this year.

Commissioner Starbuck requested permission to introduce a policy resolution for consideration which had not been included on the agenda of the meeting. The Commission voted unanimously to authorize introduction of the draft resolution.

Commissioner Starbuck then introduced the draft resolution which read as follows:

"WHEREAS, The parking tax imposed by the City and County of San Francisco currently is levied at a rate of 15% by virtue of Ordinance No. 412-76; and

"WHEREAS, Under said ordinance, the 15% rate will revert to a rate of 10% on June 30, 1977 unless the Board of Supervisors elects to extend the higher tax rate; and

"WHEREAS; The level of private vehicle operation in San Francisco continues to increase each month and there is no evidence that this trend will be reversed in the near future; and

"WHEREAS, Such escalating levels of private vehicular traffic result in a deterioration of air quality, and increase in noise levels, and increasing amounts of traffic congestion; and

"WHEREAS, The City and County of San Francisco has made an official commitment to a 'transit first' policy; and

"WHEREAS, One technique specified in the Transportation Element of the San Francisco Master Plan for improving the ratio of public transit use to the use of the private automobile within the city is to attach an economic disincentive to destination parking; and

"WHEREAS, Permitting the parking tax to revert to a 10% rate level is counterproductive in respect to the implementation of the City's 'transit first' policy;

"THEREFORE BE IT RESOLVED, That the San Francisco City Planning Commission respectfully urges the San Francisco Board of Supervisors to extend the parking tax at its present level of 15% for such period as the Board of Supervisors deems appropriate."

After discussion it was moved by Commissioner Starbuck, seconded by Commissioner Dearman, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7757.

CONSIDERATION OF A DRAFT RESOLUTION SUPPORTING APPLICATION OF THE FOUNDATION OF SAN FRANCISCO'S ARCHITECTURAL HERITAGE FOR GRANT FUNDS FROM THE STATE OFFICE OF PRESERVATION FOR AN ARCHITECTURAL AND HISTORICAL SURVEY OF THE DOWNTOWN AREA.

Rai Y. Okamoto, Director of Planning, recommended the adoption of a draft resolution which read as follows:

"WHEREAS, The Foundation for San Francisco's Architectural Heritage has undertaken an architectural and historical survey of the Downtown area, and has agreed to coordinate the result of this work with the Department of City Planning; and

"WHEREAS, This work should assist this Commission and its staff in forming policy for that area;

"NOW THEREFORE BE IT RESOLVED, That the City Planning Commission does hereby express its support of the conduct of this survey."

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Starbuck and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7758.

DR77.31 - 1071 GIRARD STREET, EAST LINE, 80 FEET NORTH OF WARD STREET.
DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7703252
FOR CONSTRUCTION OF A TWO-STORY FOUR-UNIT RESIDENTIAL BUILDING
IN AN R-3 AND PROPOSED RM-1 DISTRICT.
(POSTPONED FROM MEETING OF MAY 26, 1977.)

Mr. Passmore noted that the subject case had been postponed from May 26 at the request of the applicant's attorney.

He explained that the subject property had been part of a larger parcel fronting on both Girard Street and San Bruno Avenue until late 1976. The existing R-3 and proposed RM-1 zoning districts were based on that San Bruno frontage. An apartment building fronting on San Bruno would be consistent with existing development along that street, but an apartment building fronting on Girard Street would be inconsistent with the existing single-family development along that street. He noted that the developer had purchased the property after assuring himself that the R-3 zoned property would remain zoned for multiple-residential use under the Residential Zoning Study, and that neighborhood representatives were aware of the construction proposal prior to the actual filing of the building permit application.

Mr. Passmore reported that Douglas Holmen of the Department had met with neighborhood residents and explored with them what development alternatives might be acceptable to the neighborhood. Mr. Holmen had found that the residents felt that one single-family dwelling was the only appropriate use of the Girard Street frontage. Mr. Passmore stated he had met the previous week with the applicant and his attorney and reviewed various alternatives that dealt with both the activity level and the architectural character of proposed development of the Girard Street property. These alternatives included: 1) transfer of all permitted dwelling units and building mass to the abutting San Bruno Avenue property owned by the applicant and use of the subject lot as a rear yard for a building fronting on San Bruno; 2) reducing the number of dwelling units and building mass of the proposed four-unit dwelling resulting in a single three, two or one-unit dwelling or two one-unit dwellings fronting on Girard Street and 3) various changes to the exterior of the proposed building to reduce its apparent width and height or otherwise make the appearance of the building more like the single-family dwellings on Girard Street. At the end of that meeting the applicant had said he would consider these alternatives. However, Mr. Passmore indicated that the applicant had not subsequently responded to the alternate projects which had been proposed by the staff of the Department of City Planning; and, as a result, he assumed that the applicant wished to proceed with construction of the building as originally proposed.

Arthur McGlenon, attorney for the applicant, confirmed that his client did wish to proceed with construction of the building as originally proposed.

Mabel Schine, 114 Ward Street, stated that she had resided in the subject neighborhood for 27 years and is a member of the Ward Street/Girard Street Improvement Club. She stated that the members of her organization were opposed to the proposed project because it would not be compatible with the single-family residential character of the area. She advised the Commission that most of the residents of the neighborhood have lived in the area for 20 years or more; and, during that time, they have spent a great deal of money on their homes. The area has always been a single-family residential neighborhood; and the proposed apartment building would have a negative impact on the area. Since all of the properties on Girard Street are developed with single-family houses, she felt that the portion of the property owned by the applicant which fronts on that street should have been zoned for single-family residential use, also. She stated that she and other residents of the neighborhood were anxious to preserve the present character of the area; and, therefore, they urged the Commission to act to keep the character of the neighborhood as it is at present. In conclusion, she stated that the people who live in the neighborhood could not afford to purchase a single-family home in San Francisco at today's prices.

Esther McCoy, 1063 Girard Street, stated that when she had first talked with the applicant he had told her that he already had a permit for the proposed building; but when she had contacted the staff of the Department of City Planning she had been advised that no permit had been issued. Later, a meeting had been held at the Department of City Planning to discuss the matter; but she understood that the applicant still intended to proceed with construction of a four-unit building.

Mrs. Ardath Nichols, 1045 Girard Street, indicated that she had filed the request for discretionary review of the proposed project. She stated that she had lived in the subject neighborhood since 1947; and she was unhappy about the proposal for construction of an apartment building on Girard Street. She had first become aware of the applicant's plans when some trees on the subject property were cut down on January 29. At that time she was told that the applicant already had a permit and that he intended to start construction of the proposed building in three weeks. Subsequently, residents of the neighborhood had filed an application to have the property rezoned from R-3 to R-1. Later, on March 3, the applicant had installed a water meter on the property. When the meeting had been held with the staff of the Department of City Planning, the applicant had stated that he would lose a great deal of money if he were not allowed to proceed with construction of the four-unit building. However, since he had also stated that he provides the city with a great deal of tax revenue, she assumed that he must own other properties. In any case, she did not feel that it would be possible to lose money on property which is located in San Francisco. If the applicant spent money on preparation of plans for the project, he did so with the knowledge that residents of the neighborhood were opposed to the project. She emphasized that residents of the neighborhood were still of the opinion that the subject property should be developed with a single-family house; and she urged the Commission to disapprove the proposed apartment building. She noted that the League of Women Voters had taken a position in support of preserving the character of existing residential neighborhoods; and she believed that the Department of City Planning and the Commission had voiced similar sentiments in the past. She urged the Commission to protect the existing character of the subject neighborhood by disapproving the subject building permit application.

Pauline Wood, 1051 Girard Street, stated that she was the first resident in the immediate neighborhood. She and her husband had wanted to purchase a single-family house; and the subject neighborhood offered everything that a moderate-income family could hope for. Many of the original families still reside in the area; and they hoped that their grandchildren would have the advantage of enjoying a neighborhood which has no fog or smog and very little traffic. Strangers are rarely seen in the neighborhood; and she objected to the proposed rental units which would attract transients to the area. She felt that the subject property would bring a good price as an R-1 lot; and she hoped that the permit application for the apartment building would be disapproved.

Dan Ward, representing the All People's Coalition, remarked that the proposed project had been the subject of discussion since last January; and his organization had sent a letter to the City Planning Commission in February opposing the project. The issue was clearly one of conflict between one man's profit and the wishes of the people who reside in the particular neighborhood. He remarked that the applicant had obtained signatures from a few people on San Bruno Avenue who supported construction of an apartment building on the portion of his property which fronts on that street; and he indicated that he, also, would support a proposal for construction of an apartment building on that portion of the property. However, he advised the Commission that it would also be possible to get a petition signed by residents of the neighborhood who do not want to have an apartment building constructed on Girard Street. He stated that residents of the neighborhood would be willing to agree to the construction of two single-family dwellings on the Girard Street property; and, since such construction would necessarily be more "congested" than existing development along the street, he felt that the agreement to accept two single-family houses represented a major concession on the part of the neighboring property owners.

Mr. McGlenon expressed his appreciation to the Commission for postponing consideration of this matter from the meeting of May 26. He stated that the position which he was taking was that the City Planning Commission and the staff of the Department of City Planning should abide by the rules and regulations set forth in the City Planning Code. He indicated that the letter which had been addressed to the Commission requesting discretionary review of the building permit application had contained two inaccuracies: 1) the applicant had not filed for a variance and 2) the trees which had been cut down on the site were not alive but dead. The trees were wrapped around PG&E wires; and they had broken the sidewalk, resulting in the hazardous condition. Because of these inaccuracies in the letter, he questioned whether the Commission could proceed with the discretionary review. The property has been zoned R-3 for a number of years; and the RM-1 zoning which was adopted on May 20, 1976, is more restrictive than the prior R-2 zoning. He reported that six residents of Girard Street had signed a petition supporting the proposed building; and he emphasized that a four-unit building would bring considerable tax revenue to the city. When the applicant had first contacted the Department of City Planning he had learned that any new construction on the site would have to comply with the standards of the RM-1 zoning district; and, since the proposed building would comply with those

standards, no variance had been acquired. Although case reports on discretionary review matters are supposed to be available at least three days prior to the Commission's hearing, neither he nor the applicant had yet received a copy of the case report. In conclusion, he stated that the applicant should be allowed to proceed with construction of the proposed four-unit building.

Omar Saleh, the applicant, stated that he had had no intention of deceiving residents of the neighborhood. He did not feel that the proposed building would detract from the aesthetic quality of the neighborhood; and he was of the opinion that there is no way to prove that transients make a neighborhood less safe. He indicated that the trees which had been removed from the property were dead. He stated that he had only been in business for two years; and he emphasized that he was not a "big developer". He advised the Commission that all of his capital is tied up in the subject property; and, if the subject building permit application were to be disapproved, he would be in financial bind. He emphasized that he had tried to comply with all aspects of the City Planning Code; and, if the plans for the project failed to meet code requirements in any respect, he would be prepared to make any corrections which might be necessary.

Commissioner Starbuck asked if the applicant had considered any alternate proposals for development of the site. Mr. Saleh stated that the San Bruno Avenue portion of the property has a retaining wall which is ten feet high; and, as a result, it would be extremely costly to develop that portion of the property. Furthermore, he believed that development of that portion of the site would require an Environmental Impact Report. The Girard Street portion of the property would be simpler to develop. He stated that the property has been vacant for at least 20 years; and it is flanked by a six-unit building and a nine-unit building on San Bruno Avenue. He felt that he would be doing the neighborhood a favor by constructing a new building and cleaning-up the site,

Commissioner Starbuck asked if consideration had been given to the alternate development proposals which had been suggested by the staff of the Department of City Planning. Mr. Saleh replied that use of the Girard Street property for two single-family houses would result in buildings with a width of only 22 feet. The houses would be small; and they would have to be sold as a package.

Commissioner Dearman asked if she were correct in her understanding that the applicant did not intend to develop the San Bruno Avenue portion of the property. Mr. Saleh replied that he did not have any plans for development of that portion of the property.

Commissioner Dearman, noting that the applicant's attorney had questioned whether the matter was properly before the Commission in view of the fact that the letter requesting discretionary review may have contained some inaccuracies, asked the staff if she were correct in her understanding that a discretionary review may be requested for any reason whatsoever. Mr. Passmore replied in the affirmative.

Vice-President Rosenblatt stated that the Commission, in conducting a discretionary review, is not limited to consideration of the issues cited in the letter requesting the discretionary review. Any factors which arise during the course of the public hearing may also be considered. He then asked the staff to comment on Mr. Saleh's statement to the effect that an Environmental Impact Report would be required for any proposed development of the San Bruno Avenue portion of the property. Mr. Passmore replied that projects involving four or less dwelling units, such as the project proposed for the Girard Street portion of the subject property, are exempt from environmental evaluation. However, the San Bruno Avenue portion of the site would accommodate more than four dwelling units; and, as a result, any proposal for development of that property would be subject to an environmental evaluation. The environmental evaluation would not necessarily result in a requirement for preparation of a complete Environmental Impact Report.

Mrs. Nichols stated that the property had been purchased as a single lot running from San Bruno Avenue to Girard Street; and residents of the neighborhood had not been aware when the property was split into two lots. While they believed that R-3 zoning is appropriate for the property fronting on San Bruno Avenue, they believed that the property fronting on Girard Street should be zoned for single-family use.

Mr. Ward stated that the basic thrust of the Master Plan and of the city's zoning pattern is to preserve the character of single-family neighborhoods; and, in that light, he felt that the subject building permit application should be disapproved.

Mr. Passmore stated that the staff had been waiting to find out if the applicant would be willing to consider any of the alternate developments of the site which had been proposed; and, for that reason, a draft resolution had not been prepared for consideration by the Commission in advance of the meeting. He remarked that the Commission's discretionary review authority is one which should be used only in exceptional cases when a proposed project may have a significant adverse impact on a neighborhood. Girard Street is clearly a single-family area; and he felt that the character of the area deserves protection. However, the subject property has been zoned for multiple family use; and the rezoning which was initiated on May 20, 1976, continued to include the property in a multiple unit district. Residents of the neighborhood were aware of the applicant's intention before the building permit application was filed; and they could have submitted a request for reclassification of the property at that time. The proposed project would meet the standards of the RM-1 zoning district; however, given the impact which the proposed building would have on the single-family character of the neighborhood, the staff would be prepared to recommend that the application be disapproved. The staff would have been willing to consider development of the property with two single-family dwellings; and a three-unit building might have been acceptable if one of the units were to be designed to be owner-occupied. If the applicant were at all interested in exploring either of those alternate projects, he would recommend that the matter be continued. However, if the applicant were not interested in exploring either of those alternatives, he would prepare a draft resolution disapproving the building permit application for adoption by the Commission at its meeting next week.

Mr. Saleh stated that he would accept a continuance so that he could continue negotiations with the residents of the neighborhood; however, he felt that residents of the neighborhood should also be encouraged to offer alternate proposals for development of the property.

Mr. Ward stated that residents of the neighborhood had already had one meeting with the applicant; and he did not feel that another meeting would serve any useful purpose.

Mrs. Schine stated that residents of the neighborhood had met with the applicant and had asked him to consider an alternate development of the property. He had refused and had indicated that he would prefer to have the matter brought before the City Planning Commission.

Commissioner Rosenblatt, noting that the applicant had indicated that he would be willing to discuss the matter further, asked if the residents of the neighborhood would be willing to meet with him to discuss the matter. Mrs. Nichols stated that the residents of the neighborhood would be willing to meet with Mr. Saleh again; and she noted that they had already stated that development of the site with two single-family dwellings would be acceptable.

Mr. Saleh stated that he had decided to withdraw his request for continuance and asked that the Commission proceed to act on the matter.

After further discussion it was moved by Commissioner Bierman, and seconded by Commissioner Dearman that the Commission announce its intention to adopt a resolution disapproving the subject permit application at its meeting on June 30, 1977.

Commissioner Bierman emphasized that development along Girard Street is single-family in nature and that a lot of people had invested a lot of money to live in that kind of neighborhood. Under the circumstances, she felt that it should have been possible to reach a compromise involving a lesser number of units.

Commissioner Starbuck stated that he shared Commissioner Bierman's concern. He indicated that members of the Commission had made a careful scrutiny of the neighborhood and of the site in question. It seemed to him that single-family houses clearly predominate in the area; and he felt that construction of a four-unit building on the subject property would be an extreme departure from the general pattern of development in the area. He stated that he would have been willing to vote for a three-unit building in which one of the units would have been designed to be owner-occupied; however, since the applicant had rejected consideration of alternate developments, he would vote for disapproval of the building permit application.

When the question was called, the Commission voted unanimously to announce its intention to adopt a resolution disapproving the subject permit application at its meeting on June 30, 1977.

At 3:40 p.m. Vice-President Rosenblatt announced a ten-minute recess. The Commission reconvened at 3:50 p.m. and proceeded with hearing of the remainder of the agenda.

RS77.5 - PUBLIC HEARING ON TENTATIVE MAP FOR A 15 LOT SUBDIVISION ON WATT AVENUE SOUTH OF HANOVER STREET, LOTS 2, 3, 18, 19, 23 AND PORTIONS OF 6A AND 7 IN ASSESSOR'S BLOCK 6494.
(POSTPONED FROM MEETING OF MAY 26, 1977.)

Douglas Holmen, Planner II, referred to land use and zoning maps to describe the subject property which has an area of approximately 66,250 square feet. The applicant proposed to subdivide the property into 15 lots which would range in size from approximately 1,750 to 6,400 square feet. Most of the parcel is vacant; and an existing two-story house near the corner of Hanover Street and Watt Avenue would be demolished. The subdivision would allow construction of 15 single-family houses proposed to have one floor of occupancy above street grade. Access to the property would be by way of a cul de sac entering the subdivision by way of Watt Avenue or from Watt Avenue itself. Eight of the lots would face the cul de sac; and the remaining seven would face Watt Avenue. He stated that the City Planning Code permits land within 125 feet of a corner to be subdivided into lots with a width of 25 feet and an area 1,750 square feet.

At this point in the proceedings, President Lau returned to the meeting room and reassumed the chair.

William Haunert, 55 Watt Avenue, asked the staff of the Department of City Planning how many children 10 years of age or younger might ordinarily be expected to reside in a new subdivision such as that which was being proposed. Rai Y. Okamoto, Director of Planning, estimated that the subdivision might be expected to house from 15 to 20 children in that age bracket. Mr. Haunert then remarked that at least 10 young children live on Watt Avenue at the present time; and, given the number of children who might be expected to live in the new subdivision, he felt that some provision should be made for a play area in the new subdivision. He remarked that the proposed subdivision will bring additional traffic to the area; and cul de sacs are dangerous because people in an unsobber condition sometimes turn into cul de sacs thinking that they are through streets.

Commissioner Starbuck asked where the nearest play area is located. A member of the audience replied that the nearest playground is located approximately five and one-half blocks from the subject property.

Mr. Haunert stated that he was also concerned about on-street parking; and he asked if there would be enough space between the driveways of the proposed subdivision to accommodate on-street parking. Frank Carraro, the applicant, replied that the garages in the proposed subdivision would be located adjacent to each other in mirror-image fashion; and, as a result, there would be enough curb space for one automobile to park between each of the buildings.

Gene Moggia, owner of property at 217 Hanover Street, stated that his property is occupied by greenhouses; and he asked if a drainage system would be installed to divert water from his property. He also asked if a retaining wall would be constructed along the common property line.

Mr. Carraro stated that only preliminary plans had been prepared for the project; and, as a result, it had not yet been determined what grades would be involved. However, he acknowledged that the site does slope towards Mr. Moggia's property; and he felt that some kind of catch-basin could be installed to divert water from his property.

Commissioner Bierman asked if a requirement for a catch-basin could be included in the Commission's resolution if the project were to be approved. Mr. Carraro stated that he would be willing to accept such a condition.

Mr. Moggia asked if it would be possible to have a retaining wall constructed along the common property line. Mr. Carraro replied that he did not feel that a retaining wall would be necessary; however, he felt that it would be possible to continue a fence along the property line.

Mr. Moggia then asked about the average height of the houses to be constructed. After Mr. Carraro had stated that the houses would have a height of approximately 18 to 20 feet above street level, Mr. Moggia indicated that he had no objection to buildings of that height.

No one else was present to be heard on this matter.

Mr. Passmore stated that the applicant, during the course of the Environmental Evaluation of the proposed project, had agreed to have a soil analysis of the site prepared; and it was expected that the proposed structures would conform to the structural recommendations resulting from that report. He stated that a draft resolution of approval containing three conditions had been prepared for consideration by the Commission; and he recommended that a fourth condition be added which would read as follows: "Final building plans shall be developed in consultation with and approved by the Department of City Planning prior to submittal for building permits, with particular interest given to designating adequate on-site play space, guest parking and drainage of the individual properties."

Mr. Carraro asked what the staff intended with regard to "adequate on-site play space." Mr. Passmore replied that the staff would review slope conditions and the dimensions of yard areas to determine if the open space provided in the subdivision would be usable. The review would relate primarily to rear-yards; however, depending upon individual building design, the review might also include front yards or interior courts.

After further discussion it was moved by Commissioner Elliott, seconded by Commissioner Carey, and carried unanimously that the draft resolution, as revised, be adopted as City Planning Commission Resolution No. 7759 and that the proposed subdivision be approved as consistent with the Master Plan subject to the conditions which had been recommended by the staff.

R77.21 - VACATION OF POULTRY PLACE AND PORTIONS OF JERROLD AVENUE AND RANKIN STREET.

Douglas Holmen, Planner II, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the Director of Public Works has forwarded for Master Plan review a proposal to vacate approximately 4,700 square feet of the southwest corner of Jerrold Avenue and Rankin Street at Poultry Place in Assessor's Block 5282, and approximately 7,800 square feet of area at the northeast corner of Jerrold Avenue and Rankin Street in Assessor's Block 5269. The vacated area at the southwest corner area of Jerrold Avenue and Rankin Street would be used for the construction of an addition of 3,240 square feet to the existing freezer facility in Poultry Place, totaling approximately 6,500 square feet. The vacated area at the northeast corner of Jerrold Avenue and Rankin Street would be used to construct a warehouse, the square footage yet to be determined. Jerrold Avenue is a divided street through the San Francisco Produce Market. There is abundant parking in the divided area of Jerrold Avenue and in the surrounding vicinity. Rankin Street is unimproved in certain areas and is not used as a through street.

"The freezer facility addition in Poultry Place would not interfere with the eastbound traffic on Jerrold Avenue. The area vacated at the northeast corner of Jerrold Avenue and Rankin Street would not interfere with vehicular traffic between Jerrold and Innes Avenues.

"The proposed street vacation would not violate Policy Nine of the Urban Design Element of the Master Plan, which states: "Review proposals for the giving up of street areas in terms of the public values that streets afford." The proposed vacation would not interfere with the rights of access to any other lots and properties in the vicinity. None of the other criteria established by Policy Nine would be violated.

"The two vacations for the freezer addition and the future warehouse would meet the requirements for modern industrial operations, as cited among the positive reasons for a street vacation in Policy Nine. A release of the street area by a method short of vacation (closing, temporary use, revocable permit, air rights, or leasing), as suggested by Policy Ten of the Urban Design Element, would not be appropriate in the present case for the reason that both areas would be occupied by permanent structures.

"It is recommended that the Director be authorized to report that the vacation of approximately 4,700 square feet in the southwest area of Jerrold Avenue and Rankin Street and approximately 7,800 square feet at the northeast corner of Jerrold Avenue and Rankin Street for the construction of a freezer facility addition and warehouse is in conformity with the Master Plan."

President Lau asked if there were anyone present in the audience who wished to be heard on this matter and received a negative response.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Starbuck, and carried unanimously that the Director be authorized to report that the vacation of approximately 4,700 square feet in the southwest area of Jerrold Avenue and Rankin Street and approximately 7,800 square feet at the northeast corner of Jerrold Avenue and Rankin Street for the construction of a freezer facility addition and warehouse is in conformity with the Master Plan.

DR77.41 - 2155 WEBSTER STREET (UNIVERSITY OF THE PACIFIC DENTAL SCHOOL.)
CONSIDERATION OF REQUEST FOR DISCRETIONARY REVIEW OF BUILDING
PERMIT APPLICATION NO. 7705881 FOR CONVERSION OF 6,500 SQUARE
FEET OF A PORTION OF A GARAGE TO CLASSROOMS, LABORATORIES AND
OFFICE SPACE FOR A RESPIRATORY THERAPY SCHOOL.

The Secretary indicated that representatives of the University of the Pacific Dental School had requested that this matter be postponed until the meeting of July 14; and he believed that residents of the neighborhood had been advised of the request for postponement.

It was moved by Commissioner Rosenblatt, seconded by Commissioner Dearman, and carried unanimously that this matter be postponed until the meeting of July 14, 1977.

MP77.5 - PUBLIC HEARING ON INSTITUTIONAL MASTER PLAN FOR FRENCH HOSPITAL,
4131 GEARY BOULEVARD, IN THE BLOCK BOUNDED BY GEARY BOULEVARD,
ANZA STREET, AND FIFTH AND SIXTH AVENUES: IN C-2 AND R-3 DISTRICTS
AND IN AN 80-E HEIGHT AND BULK DISTRICT.

Wayne Rieke, Planner IV (Zoning), made the following introductory remarks:

"This is another in the series of institutional master plan hearings required by the adoption of the institutional master plan ordinance last year.

"It should be emphasized that the purpose of this hearing is to inform the public and the City Planning Commission. No action will be taken to approve or disapprove the master plan. However, Planning Commissioners and members of the public may ask questions and express concerns about the master plan.

"Copies of the minutes of this meeting, together with the master plan under consideration and any correspondence related to the master plan will constitute a permanent record for future reference.

"Issues generally raised in previous hearings can be categorized under four headings. First, Need, - Many people expressed the concern that perhaps no new or remodeled facilities are needed in a city which,

according to the Bay area Health Planning Council, has far more hospital beds than are needed. Second - Bulk and Form - Concerns were expressed that the size, height or shape of proposed buildings would not be compatible with the scale of existing development in the neighborhood. Third - Housing - Concerns were expressed that proposed development would require demolition of existing dwelling units or would reduce the quality of living in dwelling units near the hospital. Fourth - Traffic and Transportation - Concerns were expressed that traffic generated by employees and visitors to the hospital often creates serious problems and needs to be carefully managed and controlled.

"French Hospital is somewhat different from hospitals discussed in previous hearings because its master plan proposes mainly to reallocate space within existing buildings. Construction of new buildings would be delayed until such construction is clearly needed. When that time comes, new buildings will be reevaluated, but the bulk and form of the buildings is proposed to generally conform to a master plan developed in 1967. That 1967 plan shows buildings in character with existing development and entirely within the one block the hospital now occupies.

"Another difference is that this master plan is an "in house" document developed by an assistant administrator of the hospital rather than by an outside consultant. It is an excellent report that follows the master plan ordinance and guidelines very closely. Statements made in the plan generally are very well supported by tables, graphs and charts.

"A synopsis of the plan has also been prepared as a part of the hospital's program to make its plans available to people in the neighborhood. Planning Commissioners have copies of both the master plan and the synopsis. I think they will agree that the synopsis contains all of the essential elements of the full master plan."

Roger LaLanne, President of the Board of Directors of French Hospital, made the following statement:

"Good afternoon. My name is Roger LaLanne. I am President of the Board of Directors of French Hospital. We are pleased to have this opportunity to present the French Hospital Master Plan to you and to the other interested members of the community.

"French Hospital is a voluntary, not-for-profit, general acute care hospital which serves all persons without regard to race, religion, national origin or ability to pay. The Board of Directors, composed of leaders elected by the membership of La Societe Francaise de Bienfaisance Mutuelle, serves without pay. Medical staff appointments are available to all physicians, dentists and podiatrists who qualify under the by-laws.

"We seek to provide a comprehensive range of services consistent with the needs and priorities of the community, but within the limitations of our resources. We acknowledge that some highly specialized services should be provided only in large medical centers, and do not attempt to meet the full spectrum of health care needs in the community. Our primary commitment and emphasis is on the provision of general acute inpatient and outpatient hospital services.

"French Hospital has been proud to serve San Francisco for over 125 years, being founded in 1851 by a group of French immigrants, to serve the sick and needy Frenchmen and other impoverished immigrants. The hospital had three locations prior to purchasing the block now owned by French Hospital. This block, bounded by Geary Boulevard, 5th and 6th Avenues and Anza Street, was purchased in the late 1880's and the new French Hospital was erected in 1894. When we moved to the Richmond District, we were one of the few structures in the area and have watched the neighborhood grow up around us.

"Because of its unique tax status, French Hospital does pay property and sales taxes, unlike most other hospitals in the city. French Hospital pays approximately \$280,000 per year in property taxes alone, for the buildings owned by the hospital. This does not include the taxes paid by the Medical Office Building, which is owned by a group of physicians, most of whom practice at French Hospital.

"French Hospital is licensed for 297 acute care beds. Approximately 200 of these are located in the acute hospital building. That building also contains ICU, CCU, surgery, ambulatory surgery and the clinic, which, in the past, was primarily used by members of the Hospital Health Plan (for people of French descent, or anybody who could speak French).

"We are considering developing a Health Plan for the Richmond and Sunset Districts, and also extending the use of the Clinic.

"In the 6th Avenue building, we have a 50-bed skilled nursing facility and a residential care facility for retired members of the Society. One floor contains the disability evaluation and treatment center, which treats people with head, neck and back injuries. The 5th floor is now used for offices.

"The medical office building is owned by a group of physicians who have their offices there and who practice at French Hospital. The Hospital owns the land the building is on, and ownership of the building will revert to the Hospital in the year 2013.

"French Hospital has served the city of San Francisco without discrimination for 125 years. Although this fact is not well known. We are now working with members of the Richmond District to determine their needs and to develop programs which will meet their needs. Pat Wright will discuss the planning process, the community input process and will present our Master Plan."

Pat Wright, Assistant Administrator for Planning and Development for French Hospital, read and submitted the following prepared statement:

"I am Pat Wright. I am the Assistant Administrator for Planning and Development for French Hospital. As Mr. LaLanne mentioned, French Hospital has been proud to serve San Francisco for 126 years and this neighborhood for 83 years. Long-range planning has been an ongoing process throughout these years and continues to be a priority of the hospital's Board of Directors and staff today.

"In the late 1950's, when the acute hospital replacement was being planned, a preliminary Master Plan for this site was developed. In 1967, the Comprehensive Master Plan for French Hospital was completed. Already in existence was the acute hospital. The plan called for Stage I development of an underground parking structure, a four-story medical office building and a five-story long-term care building. All of these have been completed.

"The proposed Stage II development called for a four-story general hospital structure in a reflected 'T' pattern attached to the existing hospital. This building was originally planned to contain an additional 195 beds. We now realize that these beds are not necessary in San Francisco. This structure, therefore, when constructed, will provide for necessary expansion of ambulatory and ancillary services, consistent with current trends in health care. As you can see, the ground coverage of the new expansion will not be a significant increase over the existing buildings, nor will the bulk be increased significantly. Any new construction will be attractively landscaped and should enhance the appearance of the neighborhood. The Master Plan you have before you reflects no significant changes from the 1967 plan. However, this plan is only a facilities plan. Our long-range planning committee is in the process of assessing new program needs. We are dedicated to serving the community in which we are situated, and we seek its input on an ongoing basis.

"The 1976 Master Plan was prepared as an update to the 1967 plan, and was submitted to you in December, 1976. Since that time, we have prepared a synopsis of the Master Plan which has been made available to the community. You have also received a copy of the synopsis. Copies of this plan were mailed to 25 community organizations listed in the SPUR list, to 18 Asian organizations, to 6 churches in the Richmond District and to the Inner Richmond Community Advisory Committee. Letters were sent to these organizations inviting their comments, as well as inviting them to two community forums held the week of June 13. All property owners within 300 feet of the Hospital also received a letter inviting them to the community forums, and making a copy of the synopsis available to them, upon request.

"The attendance at these community forums was small, but the comments received were generally favorable. We were pleased to note the positive attitudes of the neighborhood to our institution. Suggestions and concerns have been recorded and will be included in the planning process of the Hospital. As our planning process continues, we intend to continue this process of soliciting community input. We realize that our future success is dependent upon our ability to meet the community's needs."

Commissioner Starbuck, noting that an expanded radiology department is under construction at St. Francis Hospital, asked if French Hospital had taken that fact into account in preparing its own Master Plan.

Ms. Wright replied in the negative. She stated that St. Francis Hospital has a CAT scanner; and patients of French Hospital who require the services of that device are transferred to other hospitals. She stated that French Hospital had not filed for a certificate of need for a CAT scanner; and she indicated that French Hospital does not perform therapeutic radiology and probably never will.

Commissioner Dearman stated that she was impressed by the fact that the Master Plan for the French Hospital was not calling for expansion of the number of hospital beds in the facility. She also noted that the Master Plan had recognized the need for communication between the various hospitals in San Francisco; and she wondered what steps French Hospital had taken in that regard. Ms. Wright stated that French Hospital is already working with several other hospitals in San Francisco; however, she acknowledged that the coordination is probably not as great as it should be. She stated that French Hospital has an affiliation with Children's Hospital; and, as a result of sharing services, certain clinics at French Hospital had been closed. She indicated that French Hospital is having planning level discussions with several other hospitals; however she felt that it would be premature to make any public comment on those discussions.

Commissioner Dearman stated that she has visited French Hospital on several occasions and has always found that the parking garage has a number of vacant stalls. She asked if the hospital provides free parking for doctors on its staff. Ms. Wright replied that doctors on the staff may arrange for parking stalls on a monthly basis in the garage which is located beneath the medical office building. Other employees of the hospital may also take advantage of monthly parking rates in the hospital's own garage. She stated that the parking area is generally filled to capacity during the afternoon hours; however, there are vacant stalls at other times of the day. She stated that the Department of City Planning had required that a certain number of parking spaces be provided; and, because some of those stalls are not used, the garage operates at a loss of approximately \$10,000 a year. While French Hospital does encourage its staff to use public transportation, the staff, like everyone else, will take advantage of free parking spaces on the street if they are available.

Commissioner Dearman asked if records maintained by French Hospital are kept on microfilm. Ms. Wright replied in the negative. She indicated that the hospital is fortunate to have an older building which can be used as a cheap storage place for records which must be maintained. Eventually, however, the building will have to be demolished; and since construction of a new storage building would be extremely costly; the hospital will probably have to begin microfilming its records at that point.

Commissioner Dearman asked if she were correct in her understanding that French Hospital did not intend to undertake any new construction until such time as new construction is clearly needed. Ms. Wright replied in the affirmative. She stated that French Hospital does plan to add new services which are not currently available in San Francisco; however, to the maximum extent possible, those services would be accommodated within existing space.

Commissioner Rosenblatt, noting that the Master Plan had stated that French Hospital has 297 licensed acute care beds, asked how many beds are being used at the present time. Ms. Wright replied that the present level of staffing at the hospital enables 197 acute care beds and 50 beds in the skilled nursing wing to be in use. Thus, a total of 247 beds are in service. She indicated that the hospital is taking a close look at the remaining beds which are licensed.

Commissioner Rosenblatt then asked about the average occupancy of the 247 beds which are in service. Ms. Wright replied that the occupancy level of the beds in the skilled nursing wing is close to 100%. Occupancy of the beds in the acute care hospital is subject to seasonal fluctuation; however, for the calendar year of 1977, she estimated that the average occupancy level of those beds was between 65 and 70%.

Commissioner Rosenblatt, noting that the Master Plan had indicated that French Hospital see itself as a "secondary care facility", inquired about the meaning of that phrase. Ms. Wright replied that "primary care" refers to out-patient care, "secondary care" refers to basic in-patient hospitalization, and that "tertiary care" refers to the most specialized level of care.

Commissioner Rosenblatt then inquired about the meaning of the term "courtesy staff". Ms. Wright replied that the hospital has several categories of staff members: an "inactive" staff member is a physician who deals with a hospital on a regular basis; a "courtesy" member is one who deals with a hospital once in a while while maintaining an active status at other hospitals; an "honorary" member is one who is retired; and a "temporary" member is one who has a patient in the hospital under emergency conditions.

Commissioner Rosenblatt, noting that the Master Plan recognized a need for "improving or changing physical relations", asked what that phrase implies. Ms. Wright stated that a hospital really serves as a workshop for physicians, providing a level of care for physicians to treat patients in a certain way. As a result, a hospital must look carefully at what physicians need to do their work. She indicated that French Hospital had not dealt directly with the physicians in the recent past; however, the hospital is beginning to work actively with the physicians to determine which equipment should be replaced, how red tape could be cut, etc.

Commissioner Rosenblatt noted that page IV-5 of the Master Plan contained the following recommendations; 1) maintain a total of 297 acute care beds; and 2) develop new in-patient programs to increase the occupancy to 85%. It seemed to him that the approach being taken by the hospital was to determine what physical space is available and then to design a program to fill up that space. He felt that a more logical approach might be to analyze whether there is a need for 297 acute care beds; and, if not, to plan how the space occupied by those beds might be better utilized. Unlike other institutional Master Plans which have been brought before the Commission, the Master Plan for French Hospital recognized that there is concern at the local, state, and Federal levels about the need for health care planning; and he felt that it was commendable that French Hospital, unlike other hospitals in San Francisco, was able to recognize the reality of the situation in which it operates. However, all of the hospital Master Plans which had been reviewed by the Commission had called for an increase in ambulatory care services; and, if all of the hospitals plan to move in that direction, he expected that the city will eventually have a surplus of ambulatory services just as it now has a surplus of hospital beds.

Ms. Wright stated that the trend in health care is towards ambulatory care for various reasons' and whenever trends change, hospitals tend to get "caught in the middle". When the Medi-Care and Medi-Cal programs were initiated, more people sought health care; and there was a need for additional beds. Hospitals tried to fill that need; and, because of changing circumstances over the years, San Francisco now has a surplus of beds. If circumstances change again in the future, those beds may be needed again. Currently, there is an increasing need for ambulatory care facilities. However, if a national health insurance program should be implemented, she expected that in-patient care would increase again. She stated that French Hospital had done a great deal of thinking in the six months since the Master Plan was prepared; and, as a result, changes of orientation had already evolved.

Commissioner Starbuck, indicating that she did not have to answer the question if she did not want to, asked Ms. Wright what she felt was the main factor which had caused health care costs to increase at a rate 6% faster than the cost of living. Ms. Wright replied that hospitals provide goods and services, many of which are scarce or highly specialized and technical. Also hospitals are highly unionized and are highly labor intensive. Charges must reflect the costs paid by the hospitals; and, unlike a production line operation, hospitals, who deal with people, can not increase their product. She stated that many hospitals are losing money and making up the loss through philanthropy. She did not believe hospitals are "gouging" people for profit purposes.

Commissioner Starbuck remarked that some hospitals are paying a large amount of money for debt services on their capital investments. Ms. Wright acknowledged that some hospitals do have such a problem; however, the debt service paid by French Hospital is very low.

No one else was present who wished to address the Commission on this matter.

R77.10 - PUBLIC HEARING ON TENTATIVE MAP FOR 6-UNIT CONDOMINIUM CONVERSION SUBDIVISION AT 91-99 SIXTH AVENUE, LOT 19 IN ASSESSOR'S BLOCK 1352.

Alec Bash, City Planning Coordinator, stated that the subject property has a frontage of 50 feet on Sixth Avenue and a frontage of 90 feet on Lake Street for a total area of 4500 square feet. The property is in an R-4 and proposed RM-1 zoning district; and it is subject to a 40-X height and bulk district. The property is occupied by a six-unit apartment building, each unit having 3 bedrooms. The building was constructed in 1909 and has three residential levels over a five-stall garage and storage level. The applicant proposed to convert the six existing apartment units into six condominium units. Present monthly rental levels range from \$400.00 to \$725.00, with the two \$400.00 rental units being occupied by tenants of long duration. Proposed sales prices for the units would range from \$90,000.00 to \$115,000.00.

President Lau asked if anyone were present to speak in opposition to the proposal to convert the building to condominium ownership and received a negative response.

Mr. Bash recommended that the proposed condominium conversion subdivision be approved as consistent with the Master Plan subject to three specific conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Elliott, seconded by Commissioner Rosenblatt, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7760 and that the proposed condominium conversion subdivision be approved as consistent with the Master Plan subject to the conditions which had been recommended by Mr. Bash.

RS77.8 - PUBLIC HEARING ON TENTATIVE MAP FOR 26-UNIT CONDOMINIUM
SUBDIVISION AT 925-45 CORBETT AVENUE AT 23RD STREET, LOTS 10,
16 AND 24 IN ASSESSOR'S BLOCK 2808.

Alec Bash, City Planning Coordinator, stated that the subject parcel is of irregular shape and contains 20,968 square feet of lot area. A 26-unit apartment building is presently under construction on the site; and the applicant proposed to sell all of the units on a condominium basis. He stated that the staff had received a letter expressing concern about the nature of the building being constructed; however, no objection had been raised to the applicant's proposal to sell the units on a condominium basis.

President Lau asked if anyone were present in the audience to speak in opposition to the applicant's proposal and received a negative response.

Mr. Bash recommended that the condominium conversion subdivision of the building be approved as consistent with the Master Plan subject to two specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Elliott, and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7761 and that the condominium conversion subdivision be approved as consistent with the Master Plan subject to the conditions which had been recommended by Mr. Bash.

At 5:00 p.m. President Lau announced a ten-minute recess. The Commission reconvened at 5:10 p.m. and proceeded with hearing of the remainder of the agenda. President Lau was temporarily absent from the meeting room.

CU77.15 - PIER 41, NORTH SIDE OF THE EMBARCADERO, AT THE FOOT OF POWELL STREET.

REQUEST FOR AUTHORIZATION TO OPERATE A TEMPORARY PARKING LOT WITH 350 SPACES ON AN EXISTING PIER; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1. (EE76.239)
(UNDER ADVISEMENT FROM MEETING OF JUNE 2, 1977.)

Robert Passmore, Planner V (Zoning), stated that the proposed project had been fully described during the meeting on June 2; however, action had been deferred by the Commissioner so that additional information could be provided. He indicated that a memorandum had been distributed to members of the Commission which provided estimates of revenue which might be derived from the temporary parking lot during the summer months and how that revenue might be distributed between the Port Commission, the operators of the parking lot, and the San Francisco Police Fishing Program.

Jack Block, Chairman of the San Francisco Police Fishing Program, stated that Pier 41 had been used for his organization's summer program; and he indicated that the fishing program would receive 50% of the net profit which would be derived

from the temporary parking lot. He advised the Commission that it costs \$200.00 a day to rent a party fishing boat; and the income from the temporary parking lot would help to off-set such costs. He stated that he was conscious of the parking problem which exists in the vicinity of Pier 41; and he stated that the parking problem is complicated by the fact that operators of Municipal Railway vehicles park their own automobiles on streets in the area. He believed that a city asset such as Pier 41 should be fully utilized; and both the Police Fishing Program and the Port Commission would benefit from the income which would be derived from the parking lot.

During the course of Mr. Block's statement, President Lau returned to the meeting room and reassumed the chair.

Commissioner Dearman, referring to a brochure which had been distributed by Mr. Block, remarked on the fact that only boys appeared in pictures included in the brochure. Mr. Block replied that the Police Fishing Program is a co-educational Program.

President Lau asked if a program is provided for senior citizens. Mr. Block replied in the affirmative.

C. L. Vickers, Chief Engineer for the Port Commission, stated that the Commission, during the meeting of June 2, had also asked about the construction schedule for the Simmons project; and he had been advised that the portion of Pier 41 involved in that project is scheduled to be demolished in December, 1977.

Robert Meyers, City Planning Coordinator, stated that the rate structure proposed for the temporary parking lot would be comparable to the rate structure proposed for the garage in the Simmons project; and he indicated that the rates would meet the Master Plan objective of discouraging long-term parking.

Mr. Passmore recommended that the application be approved subject to two specific conditions which were included in a draft resolution which had been prepared for consideration by the Commission. The conditions read as follows:

- "1. That this authorization is only for a temporary parking lot to be used for a six-month period to end December 31, 1977.
- "2. That the perimeter of Pier 41 is to remain accessible to the public for fishing and viewing the waterfront."

After further discussion it was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7762.

Commissioner Rosenblatt requested the staff to transmit a letter to the Port Commission noting that the proposed use of the pier is contrary to Master Plan policies but explaining that the use had been approved on a temporary basis because of the unique circumstances involved, such as provision of funds for the San Francisco Police Fishing Program. He also suggested that the letter

should request the Port Commission to specify that the license which it issues for the use should be subject to termination on December 31, 1977, just as the City Planning Commission's authorization would expire on that date.

At this point in the proceedings, Commissioner Elliott absented himself from the meeting room for the remainder of the meeting.

DR77.12 - 145 CARMEL STREET, SOUTH LINE, 100 FEET EAST OF SHRADER STREET.
DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7705621
-FOR A ONE- OR TWO-UNIT DWELLING IN AN R-2 AND PROPOSED RH-2
DISTRICT.
(CONTINUED FROM MEETING OF JUNE 2, 1977.)

Commissioner Bierman stated that she had abstained from participation in previous discussions of this project on the advice of the City Attorney because she owns property which was within 300 feet of the property being discussed. However, since the last meeting, the property had been subdivided so that the portion of the property on which the proposed building would be located would be a separate lot; and, as a result, her own property is no longer within a 300-foot radius of the property under consideration. Therefore, she intended to participate in the Commission's deliberations of this matter.

Robert Passmore, Planner V (Zoning), noted that the Commission had voted on June 2 to disapprove an application for a three-unit building; and it had further indicated its intention to conduct a discretionary review of any proposal for a lesser number of units which might be submitted by the applicant. The applicant had revised his plans and was currently proposing two dwelling units in three floors of occupancy above grade. One of the units would have three bedrooms and the other would have two bedrooms. The revised building would be somewhat smaller and somewhat lower than the building which had previously been proposed; and the parking spaces would be located nearer to the building so that more open space would be available on the site. The applicant's architect had prepared drawings to indicate the relationship of the proposed building to other buildings in the area. Both the applicant's architect and residents of the neighborhood had sought outside advice concerning the possible effect of the proposed project on trees which exist on an adjacent parcel of property. The applicant and his architect had also met with residents of the neighborhood to discuss the revised plans.

Albert Lanier, architect for the applicant, reviewed the history of the proposed development and described the revised plans which had been prepared. He noted that a neighboring property owner had earlier testified that the proposed project would have a damaging effect on the trees which are located on her property; and he indicated that he had consulted Bryan Fewer, formerly Superintendent of Street Landscaping for the City and County of San Francisco, on that matter. As a result, Mr. Fewer had written a letter to the applicant which read as follows:

"Upon invitation by Al Lanier, I met with him and visited the proposed site development in the area behind 145 Carmel St. on June 14, 1977.

"Personally I can see no conflict with trees, gardens or toher properties due to developing the extension of the existing multi unit building.

"As I understand, the development will butt against the property line of 125 Carmel St. Before construction begins, it will be necessary to prune and remove considerable shrubs and tree growth that is overhanging your property from the garden area of 125 Carmel.

"In my opinion, the excavation and development of your property will have no adverse affect on the trees growing in the abutting property.

"It may be interesting to you that I recently testified for another party in the small claims court. The complaint was that the roots from the Pine tree in the neighbor's yard invaded his well-cared-for garden doing considerable damage.

"The judge ruled that the owner of the Pine tree should control and prevent the roots invading his neighbor's property and also he was to pay \$500 to the neighbor to help restore his garden.

"This ruling should point out that one's property should not be subject to overgrowth above ground or below ground to the detriment of one's property from the adjoining property. Likewise one who wants to develop his property should not be subjected to delays and protests because his developing may by necessity be severing, invading roots, or overhanging branches of trees from another property.

"Most of the plant material growing on your property that will be removed in grading consists mostly of blackberry, wild Scotch Broom, one Cecil Bruner Rose bush and possibly one apple tree. The area would be classed as a jungle of underbush and all in all would not represent a loss to the neighborhood.

"If in grading, an underground spring is uncovered, it may be tapped and through plastic feed lines may provide free water to gardens of properties on both sides, or the stream, if found may be piped to a catch basin. The development should in no way have any effect or contribute to erosion on any property.

"I might also add that the proposed building will have little shading effect on the garden behind 125 Carmel. In fact some trees including the coast Redwood should improve in health being more protected from the wind than before the building was extended.

"This summarizes my unbiased opinion of your development in relation to the adjoining properties."

Mr. Lanier informed the Commission that the closest tree to his client's property is a willow tree; and he had been advised that if that tree were to be moved the root ball would be smaller than the distance between the trees and the proposed building. He also informed the Commission that some California pepper trees on his own property had cracked the sidewalk; and, on the advice of Mr. Fewer, he had pruned the roots on the trees to control the damage. He then read and submitted a memorandum which read as follows:

"In accordance with instructions from the Planning Commission, on June 16th, Mr. Thomas Ellis, and his architects, Mr. Albert Lanier and Mr. Paul Sherrill met at 125 Carmel Street, the home of Mrs. Crawford to discuss his proposed project to be built adjacent to the Ponderosa Apartments. There were 17 neighbors in attendance.

"The group first met informally in Mrs. Crawford's back yard and the architects pointed out the location of the proposed building and garage.

"The group then convened indoors and the architects showed the group a section through the block from Carmel Street to Shrader Street which has a drop of 90 feet, and a rough section of the revised proposal. The plan presented incorporated the following changes from the original proposal:

1. The project is for 2 units; one with 2 bedrooms and one with 3 bedrooms, instead of three 2-bedroom units.
2. The three car garage was retained but was pulled back from the front property line and attached to the building leaving an average front yard of 32' compared with 21' for the original plan. The height of the garage at that point nearest the front property line was reduced from 17' to 13'.
3. The rear yard of the building was increased from 34'8" to 41'4".
4. The roof of the proposed structure was revised to slope upwards towards the existing Ponderosa Apartments from the north, east, and south sides. The architects explained that this would significantly reduce the volume of the building.

"In the opinion of the neighbors opposing the project these changes were not significant. One man stated that they were an insult. Other suggestions were that the lot be used as a tennis court or that a studio apartment be constructed.

"Since the neighbors were convinced as a result of the last Commission hearing that some development would be permitted, Mr. Ellis asked them if they had a preference for its location. There was general agreement that alignment of the new building with the existing apartments was preferred.

"Subsequent to this meeting with the neighbors we have given the plan further study and have reduced the width of the top floor by 10'9" on the easterly side. The enclosed living space has been reduced from the original proposal of 3,924 square feet to 3,032 square feet. The original design contained 29% more floor area than the present proposal. We feel that these reductions are a significant concession to neighborhood objections."

Mr. Lanier stated that his client had also received a letter from Charles Fumer, a resident of Apartment No. 7 at 145 Carmel Street, stating that he did not necessarily feel that the proposed building would add to congestion in the area.

Mr. Lanier stated that the average density in the subject block is 1,086 square feet of land for each dwelling unit; and, if the proposed project were to be constructed, the density of the subject lot would be one dwelling unit for each 1,250 square feet of lot area. The highest density in the block consists of one dwelling unit for 485 square feet of lot area; and that building is located only 67 feet away from the subject property. The average coverage of the entire block is 42%; however, coverage on the subject lot would be only 25%. He indicated that he had attempted to design dwelling units which would accommodate families; and he believed that the proposed project would be in accordance with the established policies of the City Planning Commission.

Commissioner Starbuck asked if the applicant intended to live in one of the proposed units. Thomas Ellis, the applicant, replied in the affirmative.

Mr. Lanier stated that he would continue to modify the plans for the proposed project in an effort to be responsive to the concerns of residents of the neighborhood if the application were to be approved by the Commission; and, is possible, he would make the buildings smaller.

Margery Crawford, 125 Carmel Street, read the following letter which she had addressed to the Commission under date of June 20, 1977:

"At the Commission hearing of June 2, 1977, plans for construction of 3 additional units at above address were disapproved and, as you know, the date of June 23 was set for discretionary review of plans for 2 added units. The Commission suggested that the concerned neighbors meet with the developer and his architects in an effort to reach a compromise.

"Thursday evening, June 16, accordingly a meeting was held in my home at 125 Carmel St. at which Mr. Ellis and his architects Messrs. Lanier and Sherrill presented their plans for a 2-unit building to a group of 17 neighbors comprising representatives of the four blocks directly concerned - Cole, Belgrave, Shrader and Carmel. The conclusion of the group was that the new proposal was not acceptable because:

"1. The size of the building remains approximately the same with a few amendments such as a sloping roof.

"2. It would accommodate approximately the same number of people with the upper unit containing 3 bedrooms and 2½ baths and the lower unit 2 bedrooms and 2 baths.

"3. The separate carport although set back further than before, still allows for 3 cars and is approximately the same size.

"In other words, the increased density with resultant and obvious negative effects on the immediate area would remain essentially the same as with the originally proposed 3 units.

"Reasonable planning with proper regard for the environment of this particular area would seem to indicate that no additional construction should be added to this interior lot. However, being aware that a permit for some building may be granted, the general feeling of the neighbors is that the most acceptable structure would be a single-family dwelling.

"Besides reducing the number of additional people and cars on this interior lot, a family residence would be more appropriate in a neighborhood where one family residences predominate and where the subject lot is bounded immediately on the south by two R1-D lots which preclude high density as a matter of policy."

Ms. Crawford stated that she wished to change the words "most acceptable" in the next to last paragraph of the letter to "least objectionable". She stated that she, also, had consulted a tree expert concerning the possible effect of the proposed project on the trees growing on her property; and she read and submitted a letter which she had received from John E. Bryan, Director of the Striying Arboretum gardens, which read as follows:

"This will confirm my remarks regarding the trees and shrubs on your property.

"Any construction on the property adjacent to your garden can only result in damage to the trees in your garden. This would be accentuated by construction up to your property line. It would indeed be a pity to see such lush foliage and healthy

plants suffer. The area, at the moment, is a veritable haven of green. Such areas are essential to maintain the very character of San Francisco.

"Construction close to your property line would, without a doubt, cause different air circulation, loss of sunlight to the plants, upset their root systems and cause a disturbance to the underground water supply.

"It is not possible to disturb the roots of such trees as you have, without damage to those trees. It is obvious that many of the specimens are of a good age and are enjoyed by many local residents.

"Amongst the species noted were: Quercus agrifolia, coastal live oak, Aesculus californica, California Buck-eye, Corylus cornuta californica, Western hazelnut, Sequoia sempervirens, Coastal Redwood, Salix sp, Willow, Crateagus sp, Hawthorn, and other shrubs and trees.

"Should construction take place, many if not all, of the above would suffer."

Ms. Crawford stated that she had also contacted John Rutherford, a soils engineer, who had written her a letter, the concluding paragraph of which read as follows:

"My examination of the area indicates that runoff from upslope areas generally flows beneath the organic overburden and close to the surface of the relatively impervious rock surface. This groundwater will appear on the surface in the form of 'springs' where the flow is interrupted and our experience with similar topography and rock formation indicates that surficial landslides and flooding of basements may result when the natural flow of groundwater is interrupted. Although there is no clear evidence of bedrock instability in the area, there are indications that the organic overburden has slid in the past during periods of heavy runoff. It is our opinion that the construction as presently proposed will block a portion of the natural path of groundwater flow and this may have a decidedly adverse effect on surrounding property. I recommend that effects of the proposed construction on area drainage patterns be studied and evaluated."

Ms. Crawford stated that she has had horticultural training although she did not claim to be a professional in the field. However, she suspected that the willow trees on her property are native trees which follow the underground water supply in the area. She then summarized a memorandum which she had submitted to Mr. Steele of the Department of City Planning under date of June 15, 1977. The memorandum read as follows:

"I phoned Chief Carli on this date because I was curious in respect to his letter of April 13, 1977 to Robert C. Levy (see attached) that he did not recommend sprinklers for the existing 8 units in the back.

"He stated the following in response to my questions:

"1. He had not visited the site but had only looked at the plans for the new building with Mr. Ellis.

"2. That sprinklers were considered a mitigating factor in permitting a new construction in the rear.

"3. That there is no fire department ordinance that would require sprinklers in the existing 8 units* in the back or the four in the front. When a building is approved at the time of building there is no law that says it has to be improved retroactively - or as the saying goes 'brought up to code'.

"4. When told of the hazards of the present building one tunnel entrance to the front for all 8 units; back wooden stairs leading to the individual entrance doors with a small back yard where exit is cut off by a fence completely surrounded by a dense thicket of black berry bushes; and that the furnace and hot water heater were right off the main tunnel exit, he still maintained and I am sure rightly so that there was no code to require sprinklers in these present buildings. There is also the problem of access from the street for fire trucks, i.e. they cannot come up the driveway both because of the gate and also the telephone pole next to the driveway.

"I am frankly appalled that the mitigating factors he mentions do not apply to the existing structures although there seems to be far more danger of fire there and it underlines the threat to the safety of the neighborhood brought about by the intolerable density that already exists.

"I find it also ironic that although they are taking every precaution to protect a new building, they would also be exposing that new construction to the same fire hazard that we all now live with. Mr. Dell Tubbs, the former manager, told me recently that he always feared a fire there and that he was happy he lived in front. He also stated that he could not understand the possibility of new construction when the situation was already too dense.

"*except where it abuts the proposed building."

Ms. Crawford stated that residents of the neighborhood would prefer to have nothing whatsoever constructed on the subject property; and, in that light, she felt that they had made a significant concession in taking the position that the "least objectionable" development of the site would be for a single-family dwelling. When the neighborhood meeting had been held at her house, no decision had been made by the neighbors while the applicant and his associates were present. Furthermore, while the applicant had submitted a letter which had been signed by a tenant of his existing apartment building in support of the proposed project, she pointed out that only one of the tenants of the building had failed to sign a petition opposing the proposed project. She emphasized that the subject property is an interior lot; and, as a result, density was not the only factor which should be considered. She also noted that the top floor of the building now being proposed would have a ten foot setback from the side property line to accommodate the installation of windows which would provide views of other houses in the area and threaten the privacy of neighboring property owners. She felt that windows should not be allowed to face a side property line.

Mr. Lanier stated that windows may be installed along a side property line as long as they are four feet from the property line.

Ms. Crawford then asked about the possibility of obtaining an expanded environmental evaluation for the proposed project. Mr. Passmore stated that it was his opinion that there would be no grounds for requiring an expanded environmental evaluation for the project since a negative declaration had already been issued for a three-unit building. Furthermore, it was possible that the project would no longer require a rear yard variance; and proposals for two-unit buildings which do not require variances or other formal actions of a discretionary nature are exempt from environmental evaluation.

Ms. Crawford remarked that such technicalities are very irritating to citizens. She noted that the size of the two-unit building being proposed was still approximately the same size as the three-unit building which had previously been considered; and, as a result, she felt that an environmental analysis should be made of the impact of the building now being proposed.

Mr. Passmore stated that the purpose of an environmental evaluation is to provide environmental information to the Commission before action is taken on a proposed project; and he believed that Ms. Crawford's testimony had provided the Commission with such information.

Ms. Crawford acknowledged that there is a need for additional housing in San Francisco; however, the real need is for single-family dwellings.

Walter Munz, 1530 Cole Street, stated that his home would be located closer to the new building than any other buildings in the block; and the windows facing the side property line would face his bedroom and bathroom.

Thomas Ellis, the applicant, stated that he did not feel that the arguments about springs, trees, or invasion of privacy were relevant to the matter before

the Commission. He emphasized that he owns a lot which has 4500 square feet of lot area and is zoned RH-2. Under the provisions of the City Planning Code, he had expected that he would be permitted to construct three dwelling units on the property; but he had already been forced to eliminate the third unit. He felt that the deck on the upper floor of the proposed building would result in a better building. He remarked that Ms. Crawford has 200 feet of wooded property; and, given the small size of the building being proposed, he did not see how it could kill all of the trees on her property. If a spring is found during the construction process, he indicated that he would be willing to share the water with everyone in the neighborhood. He emphasized that the dwelling units being proposed would be of high quality; and he noted that the Fire Department had no objection to the proposed project. He noted that he had revised his plans a number of times in an effort to meet the concerns of residents of the neighborhood; and he hoped that the Commission would allow him to proceed with the project.

Ms. Crawford suggested that one way to resolve the conflicting testimony between the two tree experts would be to bring in a third expert or to give Mr. Bryan and Mr. Fewer an opportunity to testify before the Commission in person.

John Guttmann, 1543 Cole Street, stated that he had had guests from all over the United States and Europe who had admired the beauty of Ms. Crawford's garden and the unique character of the neighborhood. He believed that the proposed building would detract from the beauty of the area and that it might damage the garden; and, in addition, it would interfere with the privacy of existing residents of the area.

Mr. Passmore stated that the most desirable development for the subject property in terms of activity generation would probably be for very small rental units; however, the policies of the Master Plan emphasize the need for family units for families at a certain income level. Considering all the factors involved, he felt that the two-unit building presently being proposed represented a good solution to the problem at hand. He recommended that the building permit application be approved subject to four conditions which were contained in a draft resolution which he had prepared for consideration by the Commission. He also recommended that a fifth condition be added to the draft resolution specifying that final plans for the project would have to conform to the recommendations of a soils engineer and that procedures should be developed to mitigate any adverse effects of drainage on adjacent properties which might result from stoppage or diversion of ground water. While he was recommending that the subject application be approved, he felt that the City Planning Code should be modified so that creation of interior lots would not be permitted in the future. Since the subject interior lot already exists, he did not feel that the Commission should take any action which would prevent development of the property.

Commissioner Dearman stated that she was extremely concerned about the development of interior lots; and she asked the applicant why it would not be feasible to develop the property with a single-family residence. Mr. Ellis replied that a single-family house on the subject property would not be compatible with the apartment building on his other parcel of property; and he stated that

he wished to move into the proposed building in approximately four years. He also remarked that the proposed two-unit building would be smaller than many single-family dwellings.

After further discussion it was moved by Commissioner Dearman that the application be approved for one dwelling unit only subject to the conditions which had been recommended by Mr. Passmore.

Rai Y. Okamoto, Director of Planning, observed that there would be no way for the Commission to control the number of people who could occupy a single-family house; and, as a result, a single-family house would not necessarily have less of an impact on the activity level of the neighborhood than would a two-unit dwelling.

The motion was seconded by Commissioner Starbuck.

Commissioner Dearman asked if the individual units could be sold as condominium units if a two-unit dwelling were to be permitted. Mr. Passmore replied in the affirmative.

Mr. Ellis stated that he had no intention of selling the property on a condominium basis. He had intended to retain ownership of the proposed two-unit dwelling; however, if the Commission were to allow construction of only one dwelling unit, he would probably have to sell the property.

When the question was called, the Commission voted 5 to 1 to adopt Resolution No. 7763 and to approve the application for one unit only subject to the conditions which had been recommended by Mr. Passmore.

A woman in the audience asked if the conditions which had been adopted by the Commission would regulate the size of the one-unit building. Mr. Passmore replied in the negative, indicating that the conditions would not prevent the building from being the same size as the two-unit building which had been proposed.

DR77.38 - 501 WASHINGTON STREET, SOUTHWEST CORNER OF SANSOME STREET,
IN THE PORTSMOUTH CORRIDOR.
DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7704410
FOR A ONE-STORY RETAIL COMMERCIAL BUILDING OF 1,996 SQUARE FEET,
IN A C-3-0 DISTRICT.

Robert Passmore, Planner V (Zoning), referred to land use and zoning maps to describe the subject property which is a rectangular site with frontages of approximately 68.4 feet on Washington Street and 29.2 feet on Sansome Street. The property is vacant. The applicant proposed to build a one-story commercial building with a gross floor area of 1,996 square feet on the property. The matter had been brought before the Commission because of a policy established by Resolution No. 6112 of conducting discretionary reviews of all applications for new or enlarged buildings in the Portsmouth Corridor area bounded by Kearny,

Washington, Davis and Clay Streets. Mr. Passmore stated that the proposed building would not raise any specific concerns which had been mentioned in Resolution No. 6112; however, because of the modest stature of the proposal, the staff felt that treatment of the facade of the building would be of importance to integrate the building into the Portsmouth Corridor area.

President Lau asked if anyone were present in the audience to speak in opposition to this proposal and received a negative response.

Mr. Passmore recommended that the building permit application be approved subject to three specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

After further discussion it was moved by Commissioner Rosenblatt, seconded by Commissioner Bierman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7769 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary

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SAN FRANCISCO
CITY PLANNING COMMISSION

Minutes of the Regular Meeting held Thursday, June 30, 1977.

The City Planning Commission met pursuant to notice on Thursday, June 30, 1977, at 12:45 p.m. at 100 Larkin Street.

PRESENT: Gordon J. Lau, President; Susan J. Bierman, George Carey, Ina F. Dearman, Virgil L. Elliott, and Charles Starbuck, members of the City Planning Commission.

ABSENT: Toby Rosenblatt, Vice-President of the City Planning Commission.

The staff of the Department of City Planning was represented by Rai Y. Okamoto, Director of Planning; Robert Passmore, Planner V (Zoning); Alec Bash, City Planning Coordinator; Robert Feldman, Planner II; Douglas Holmen, Planner II; and Lynn E. Pio, Secretary.

12:45 P.M. FIELD TRIP

Members of the Commission and staff departed from 100 Larkin Street at 12:45 p.m. to take a field trip to properties to be considered during July.

2:15 P.M. 100 LARKIN STREET

APPROVAL OF MINUTES

It was moved by Commissioner Dearman, seconded by Commissioner Bierman and carried unanimously that the minutes of the meetings of May 12 and June 21, 1977, be approved as submitted.

CURRENT MATTERS

Rai Y. Okamoto, Director of Planning, informed members of the Commission that next Thursday's meeting will begin at 1:15 p.m.

The Director reported that the Board of Permit Appeals, meeting on Wednesday night, had approved three building permit applications for properties in the vicinity of Elsie Street conditional upon widening of the street to a width of 21 feet. The Director noted that other permit applications for the area are being held by the Department of City Planning at the request of the Board of Supervisors pending a staff study of the area. The Director indicated that the Board of Permit Appeals had also approved building permit applications for property located at 363-365 3rd Avenue. Those permit applications had been the subject of a discretionary review before the City Planning Commission.

The Director advised the Commission that he will request the Mayor and the Chief Administrative Officer to join with him in sending a letter to the new commanding officer of the Presidio asking him to reaffirm the City's Memorandum

of Understanding with the Presidio and to suggest any changes which he might feel to be appropriate.

The Director reported that the Board of Supervisors, meeting on Monday, had deferred action on the Department of City Planning's request for authorization to apply for Federal funds for economic development planning activities. However, he expected that the Board will act on the matter at its meeting next Tuesday.

The Director advised the Commission that the Board had also allowed the City's parking tax to revert from 15% to 10%. However, the parking authority has scheduled a special meeting to consider raising its parking rates to the level which was charged when the 15% tax was in effect.

At this point in the proceedings, Commissioner Elliott arrived in the meeting room and assumed his seat at the Commission table.

The Director announced that he had met with representatives of employee organizations who represent employees who work in the Department of City Planning to discuss alternatives for implementation of the salary savings program mandated by the Board of Supervisors.

Commissioner Dearman inquired about the status of the proposed ordinance which would control the location of adult bookstores and theaters. The Director replied that Supervisor Feinstein has been working on amendments to the proposed ordinance. Once the amendments have been formally introduced, the matter will have to be referred back to the City Planning Commission.

CU77.32 - NORTH SIDE OF PIER 1, EAST OF THE EMBARCADERO.

REQUEST FOR AUTHORIZATION TO USE A FERRY BOAT FOR NON-MARITIME ACTIVITIES WITHOUT OTHERWISE REQUIRED OFF-STREET PARKING; IN A C-2 DISTRICT AND IN NORTHERN WATERFRONT SPECIAL USE DISTRICT NO. 1.

THE PROPOSED NON-MARITIME USES WOULD INVOLVE COMMERICAL OFFICES AND AN ENTERTAINMENT COMPLEX INCLUDING A FILM SCREENING ROOM, A MARITIME MUSEUM, AND A FILM PRODUCTION FACILITY.

(CONTINUED FROM MEETING OF JUNE 9, 1977.)

Robert Feldman, Planner II, noted that he had described the proposed project during the meeting of June 9, 1977. However, during the interim, the Port had determined that the ferry boat should be moored at Pier 1 rather than Pier 3. As a result, the application had been amended; and a new notice had been mailed to interested parties. Mr. Feldman indicated that Pier 1 is presently used for the mooring of ferries operated by the Golden Gate Bridge and Highway District. A new permanent facility for mooring of those ferries will be ready in approximately eight months. The motor vessel MV Santa Rosa will be renovated and will be ready to be moored at Pier 1 when the pier is available. Mr. Feldman stated that he was not aware of any opposition to the proposal to moor the vessel at Pier 1.

Robert Passmore, Planner V (Zoning), stated that the matter had been brought before the Commission for conditional use authorization because the applicant was proposing non-maritime uses in Northern Waterfront Special Use District No. 1 and because no off-street parking was being proposed.

Barney Gould stated that he was very much in favor of the proposed project. He informed the Commission that a proposal for mooring a second ferry boat (the Fresno) in San Francisco is being contemplated; and he felt that it would be important for the activities offered on that boat to be sufficiently different from the activities proposed for the Santa Rosa so that the two boats would not really be in competition. He felt that Pier 1 would be a better mooring site for the Santa Rosa than Pier 3; and he hoped that Pier 1 could eventually be developed as an historic ship area.

Robert Meyers, City Planning Coordinator, asked if an admission fee would be charged for public access to the Santa Rosa. One of the applicants replied that that decision had not yet been made. However, if a fee were to be charged, it would be only a minimal amount designed to cover the cost of security guards and clean-up.

Virgil Taylor, attorney for the applicants, commented on the fact that the public has to pay an admission fee to enter the Hyde Street Pier area.

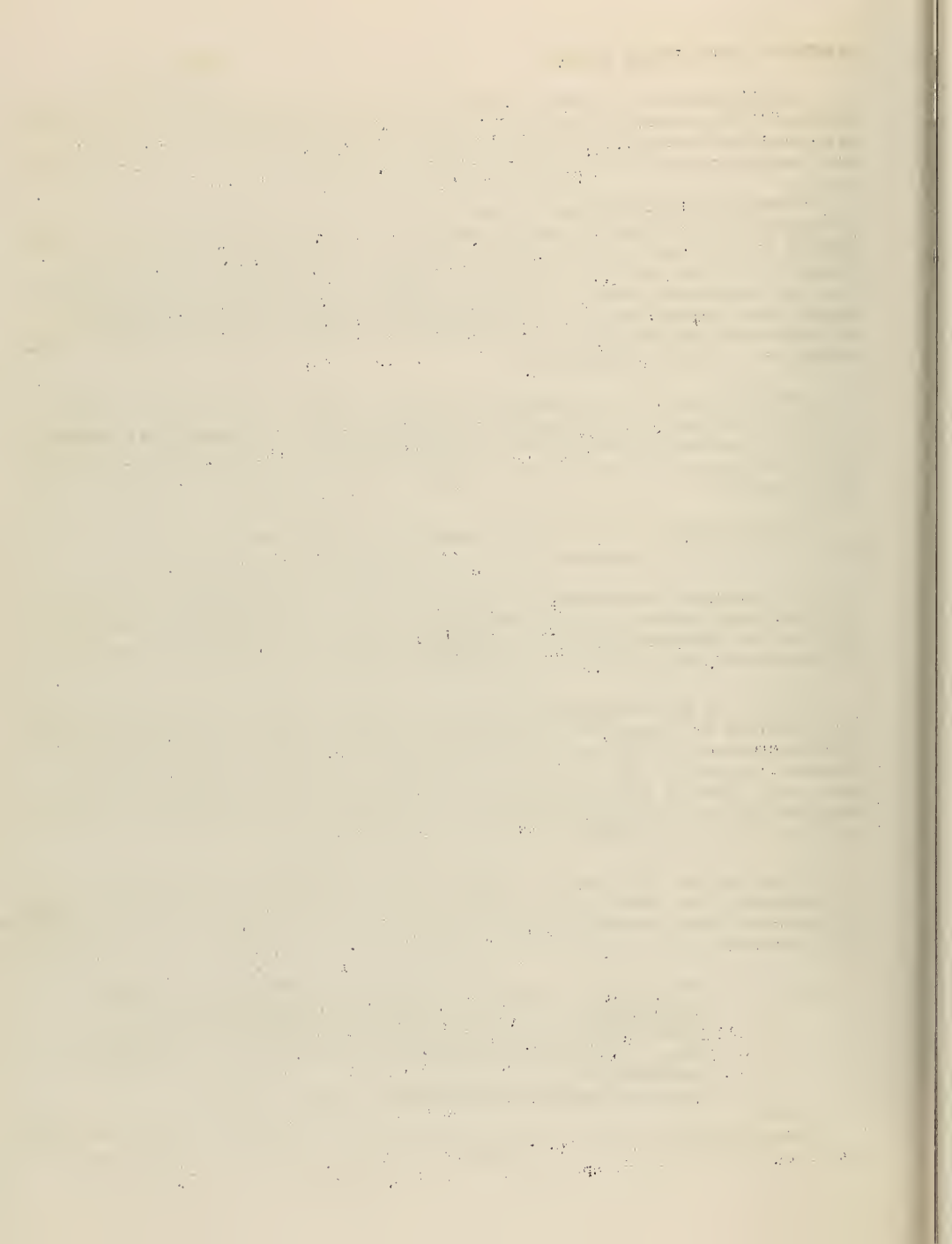
Mr. Passmore recommended that the application be approved subject to three specific conditions which were contained in a draft resolution which had been prepared for consideration by the Commission. After summarizing the conditions, he recommended that the draft resolution be adopted.

Members of the Commission asked if the staff wished to have a fourth condition added to the resolution specifying that there should be free public access to certain areas on the boat. After discussing the matter with Mr. Meyers, Mr. Passmore recommended that a fourth condition be added to the draft resolution which would specify that certain areas on the boat, to be designated through consultation with the Zoning Administrator and the Bay Conservation and Development Commission, should be open to the public without cost.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that the draft resolution, as revised, be adopted as City Planning Commission Resolution No. 7765 and that the application be approved subject to the conditions which had been recommended by Mr. Passmore.

DR77.31 - 1071 GIRARD STREET, EAST LINE, 80 FEET NORTH OF WARD STREET.
CONSIDERATION OF A DRAFT RESOLUTION DISAPPROVING BUILDING
PERMIT APPLICATION NO. 7703252 FOR CONSTRUCTION OF A TWO-
STORY, FOUR-UNIT RESIDENTIAL BUILDING IN AN R-3 AND PROPOSED
RM-1 DISTRICT.
(UNDER ADVISEMENT FROM MEETING OF JUNE 23, 1977.)

Robert Passmore, Planner V (Zoning), distributed copies of a draft resolution which had been prepared to disapprove the permit application for a four-unit



apartment building on the subject property. He noted that the staff of the Department of City Planning had stated at the June 23 meeting that it would be willing to consider a three-unit building for the site. At that time, the applicant had indicated that he did not wish to revise his plans. Subsequently, the applicant had expressed interest in proposing a three-unit building. However, since the applicant would not be precluded from filing an application for a three-unit building if the draft resolution disapproving the four-unit building were to be adopted, he recommended that the draft resolution be adopted.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman and carried unanimously that the draft resolution be adopted as City Planning Commission Resolution No. 7766 and that the building permit application for a four-unit building be disapproved.

R77.4 - VACATION OF BAXTER ALLEY BETWEEN YERBA BUENA AND CASITAS AVENUES.

Alec Bash, City Planning Coordinator, reported on this matter as follows:

"Pursuant to Section 3.527 of the Charter, the subject referral has been transmitted by the Director of Public Works for review as to conformity with the Master Plan.

"The proposal is to vacate Baxter Alley, a dedicated but undeveloped, steeply-sloping public right-of-way, 10 feet in width, between Yerba Buena and Casitas Avenues. The request is from adjoining property owners, who wish to purchase the alleyway, and consolidate it with their properties, in order to eliminate the public access adjoining their side lot lines. Their contention is that such access results in the dumping of trash, increased potential for burglary of their homes, and excessive noise and property-line wall damage associated with recreational use by motorcycles and other off-road vehicles.

"The vicinity of Baxter Alley is developed with one-family homes, and is part of the St. Francis Woods district. Casitas Avenue is at a high elevation than Yerba Buena Avenue, and Baxter Alley provides access between the two streets, in what otherwise is a long block immediately opposite Cresta Vista Drive, which ends at Casitas Avenue. However, the alley is an unmaintained dirt passageway, and there are no public proposals to develop the right-of-way in an appropriate manner.

"The Transportation Element of the Master Plan states that, except in rare cases, street vacations for private ownership should not occur where the street would improve pedestrian circulation. However, the Residence Element and the Urban Design Element call for providing adequate and regular maintenance for public areas, and it is noted that this maintenance, along with adequate protection from both unlawful activities and excessive traffic, is an important factor in the livability of neighborhoods.

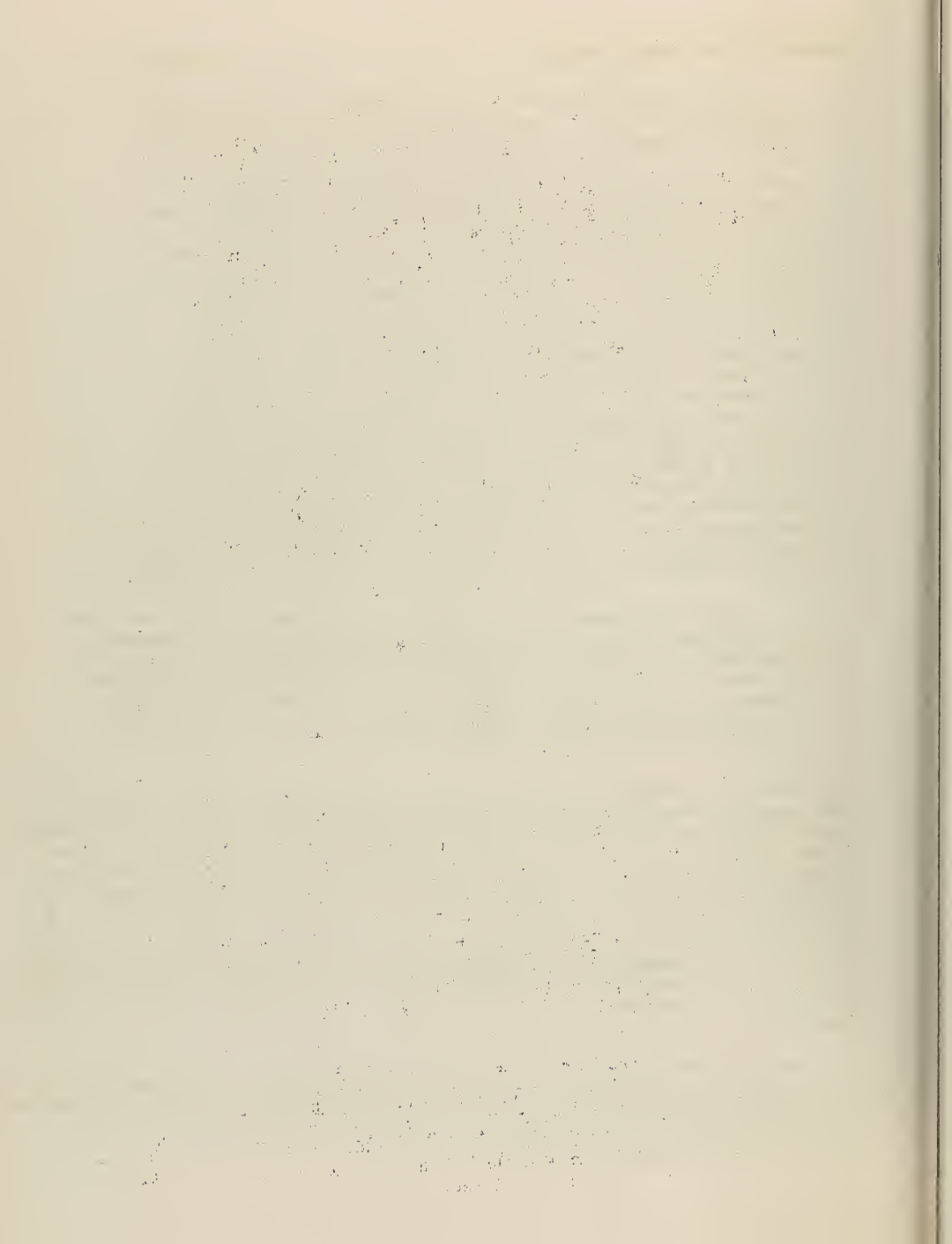


"The Urban Design Element, in the negative criteria of Conservation Policy No. 9, calls for no vacation of street areas which would result in a detriment to vehicular or pedestrian circulation. Baxter Alley is not suitable for vehicular circulation, and is not developed adequately to serve pedestrian circulation consistent with other policies of the Master Plan calling for appropriate maintenance. In terms of positive criteria, the proposal would be required to further the public values and purposes of streets in order to be acceptable, which might be met by providing landscaping as part of any street closure. Conservation Policy No. 10 would call for giving up of street area only in the least extensive and permanent manner appropriate to each case, and calls for granting a revocable permit in preference to street vacation in order to permit later return of the street space to street purposes. The proposed vacation would not meet this policy, as the closing of Baxter Alley could be accomplished by a revocable permit and still meet the desire of the adjoining property owners for eliminating litter, security and noise. Such a procedure would enable the City to utilize Baxter Alley to improve pedestrian circulation in the future if it determined that there were public funds to develop and maintain the right-of-way in an appropriate manner which would not adversely affect neighboring properties.

"It is recommended that the Director be authorized to report that the vacation of Baxter Alley, as indicated on Bureau of Engineering Plan SUR-477, is not in conformity with the Master Plan, as the objectives of the applicants could be met by the revocable encroachment permit process, thereby retaining for the City the long-term option to develop Baxter Alley in a manner appropriate for both pedestrian circulation and adjoining properties."

Lillian A. Scott, 300 Casitas Avenue, stated that adjacent property owners have been bothered by motorcycles which have been using the right-of-way of Baxter Alley; and, in addition, the alley has increased the incidence of thefts in the neighborhood. She advised the Commission that she had kept the right-of-way clean for twenty-five years but that she did not intend to clean it up in the future; and, if it is not cleaned up, she predicted that someone will eventually be hurt. Since public restrooms in the area have been closed, the alleyway is being used as a restroom. She felt that it would not be an inconvenience for residents of the neighborhood to walk to the end of the block instead of using the alley; and she hoped that the City would be willing to vacate the right-of-way so that it could be blocked and maintained by adjacent property owners.

Mrs. Aleman, 205 Yerba Buena Avenue, stated that her house had been burglarized on two occasions with access being obtained from the alleyway. She had also had bottles thrown at her house in the middle of the night. The bottles had broken windows; and she remarked that such an incident can be upsetting. She felt that the alleyway should be closed.



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Eleanor Aslanian, owner of property at 225 Yerba Buena Avenue, stated that the alleyway is not used by the general public. She had not been aware of the fact that it is owned by the City; and she felt that it should be closed.

Commissioner Bierman asked what residents of the neighborhood would have to do to obtain a revocable encroachment permit for private use of the alleyway. Mr. Bash replied that two alternatives were available. Under the first alternative, residents of the neighborhood would have to erect barriers at their own expense and obtain an insurance policy freeing the City from liability for the street area. Under the second alternative, the Department of Public Works would erect barriers with money from its own accounts.

Mrs. Scott stated that she did not intend to spend money for erection of barriers unless she acquires title to the property.

Commissioner Bierman asked if the City has any future plans for the street right-of-way. Rai Y. Okamoto, Director of Planning, replied that the City has no specific plans for future use of the right-of-way; however, by retaining title to the right-of-way, the City would have the opportunity of developing it in the future. During the meantime, the revocable encroachment permit would allow the objective of the neighboring property owners to be met. If the Commission so desired, it could recommend that the barriers be installed by the Department of Public Works.

Commissioner Dearman remarked that she could understand why people would not want to have a sidewalk running alongside their homes; and she doubted that neighboring property owners would be receptive to having a sidewalk installed in the future.

After further discussion it was moved by Commissioner Bierman, seconded by Commissioner Carey, and carried unanimously that the Director be authorized to report that the vacation of Baxter Alley, as indicated on Bureau of Engineering Plan SUR-477, is not in conformity with the Master Plan as the objectives of the applicants could be met by the revocable encroachment permit process, thereby retaining for the City the long-term option to develop Baxter Alley in a manner appropriate for both pedestrian circulation and adjoining properties. The Commission also instructed the staff to request the Department of Public Works to install barriers at either end of the alley with money from its accounts.

DR77.44 - 63 MULLEN AVENUE.

CONSIDERATION OF A REQUEST FOR DISCRETIONARY REVIEW OF BUILDING PERMIT APPLICATION NO. 7705465 FOR A HORIZONTAL EXPANSION OF THE SECOND FLOOR LEVEL OF AN EXISTING BUILDING FOR A BEDROOM, BATH AND BALCONY, THE REAR BUILDING WALL OF WHICH WOULD HAVE A HEIGHT OF APPROXIMATELY 26.5 FEET.

Robert Passmore, Planner V (Zoning), noted that members of the Commission had visited the subject property during the field trip which had been held



earlier in the afternoon. The owners of the property had obtained a building permit application for work which has already commenced on the property; and they had filed a new building permit application to expand the scope of the project. Four residents of the immediate neighborhood had opposed the new building permit application because it would permit work which would result in view blockage, shading of adjacent yards, and a bathroom which would have a window facing other front-room windows in the area. Mr. Passmore stated that it did not appear that the addition to the building had been designed to be used as an additional dwelling unit. He then read the following statement of the neighbor's objections and responses to those objections which had been prepared and submitted by the applicants:

"1. Objection: The 3½-foot overhang violates the 12-inch restriction specified for roof stringers in the current remodeling permit #770-1846.

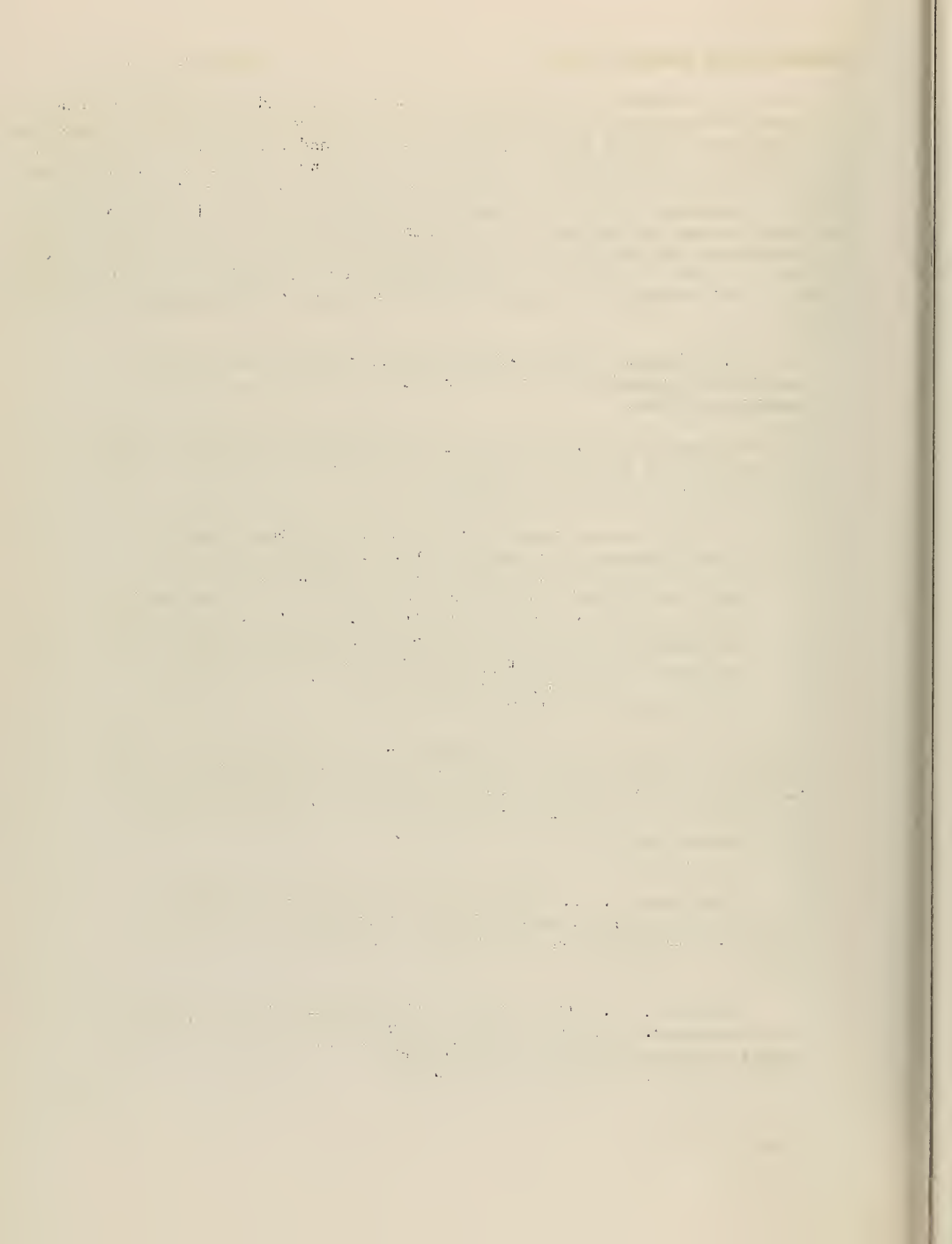
"Response: During construction of the roof we decided to order the roof joists four feet longer than specified on the plan. This was done with the following in mind.

"a. At our request, our architect had been working on a set of plans for a second story. The second story, if approved, would benefit from a small balcony facing the city view. We decided that we would extend the roof joists beyond the approved plan, but within city code, as the cost of adding the joists and balcony at a later date would be triple. We were aware that without city approval of the new pending plan it would be necessary to cut the joists off to the length specified on the original plan.

"2. Objection: The owner has strengthened the foundation and joists in excess of what is required in the City Building Code and was specified in the plans approved under the current building permit #770-1846. The owner acknowledges that he is considering constructing a large roof deck and possible second story not called for on these plans.

"Response: a. In checking with the Planning Department, City of San Francisco, we can find no regulation that prohibits building a more sound structure than is required by City Building Code.

"Response: b. Home owners often consider ways of improving their property. Building permits allow considerations to become reality. Application for a building permit is pending for a second story addition. Application #770-5465.



"3. Objection: The proposed deck is too long proportional to the amount of available yard space. Lot Size: 25' X 75'. 20% of the rear yard space is lost due to the mud and shale cliff that cut through the northwest corner of the yard.

"Response: a. Plans for the rear deck were approved by the City. Under permit #770-1846. Plans conform to City requirements for decks and open space.

"4. Objection: When the owner violated his original permit and we called to his attention the modifications to the design that he had originally shown us and we had approved, (a) he then promised us that the extra long 3½-foot overhangs would be cut back to the specified 12" length. (b) We mentioned this matter to him several times and he kept promising us that it would be resolved. (c) Finally when we brought the matter to the attention of the City Building Inspector the owner's architect attempted to get the Building Inspector to approve the changes as a plan amendment to the original permit.

"Response: a. It is our understanding that the authority for approval of plans and issuance of a building permit is vested in the City -- not next-door neighbors.

"Response: b. False

"Response: c. 'Resolved' by the Planning Department -- not by neighbors.

"5. Objection: The owner of 63 Mullen, Mr. A. Thompson, has made unauthorized and unapproved changes to this property (a) that violate our enjoyment of our property: To wit, the loss of (b) air & sunlight, (c) view, (d) privacy, (e) and the loss in future resale value of our property.

"Response: a. Extended roof joists pending approval.

"Response: b. 'Loss of air and sunlight.' The proposed addition is 9' from the property line of 63/67 Mullen at the closest point: Please see plot plan, photograph, comparative data.

"Distance between the proposed structure and the Burns residence is 15 feet, creating an open space for both sunlight and air.

"The Burns residence (67 Mullen) extends 3½ ft. beyond our proposed addition.

"Response: c. Loss of view. View loss referred to here is minimal; a small loss from one west facing side window. Panoramic views from the north and south sides of the house will not in any way be affected. Please see photo, plot plan, comparative data.

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"Response: d. Loss of privacy. The Burns residence is + 32 ft. high, 3-story structure with approximately 2800 sq. ft. of living and office space. This house towers over 63 Mullen affording the rear yard of 63 Mullen no privacy at all. The loss of privacy to the rear yard of 67 Mullen would be minimal.

"Response: e. Loss in future resale value. Historically resale values increase when neighborhoods or neighbors make well designed and well executed improvements to their homes. If Frank and Wendy Burns take exception to this historical fact we are at a loss to understand their logic.

"6. Objection: They have violated their original verbal agreement with us and we feel they have acted in bad faith and they have made false representations to us concerning their real intentions.

"Response: Totally false: We have acted in good faith and are continuing to try to do so. Unfortunately at the present time, verbal communication seems to be halted.

"Had Frank and Wendy Burns not become completely unreasonable with us in our attempt to make improvements to our home, we would have continued to communicate our plans to them."

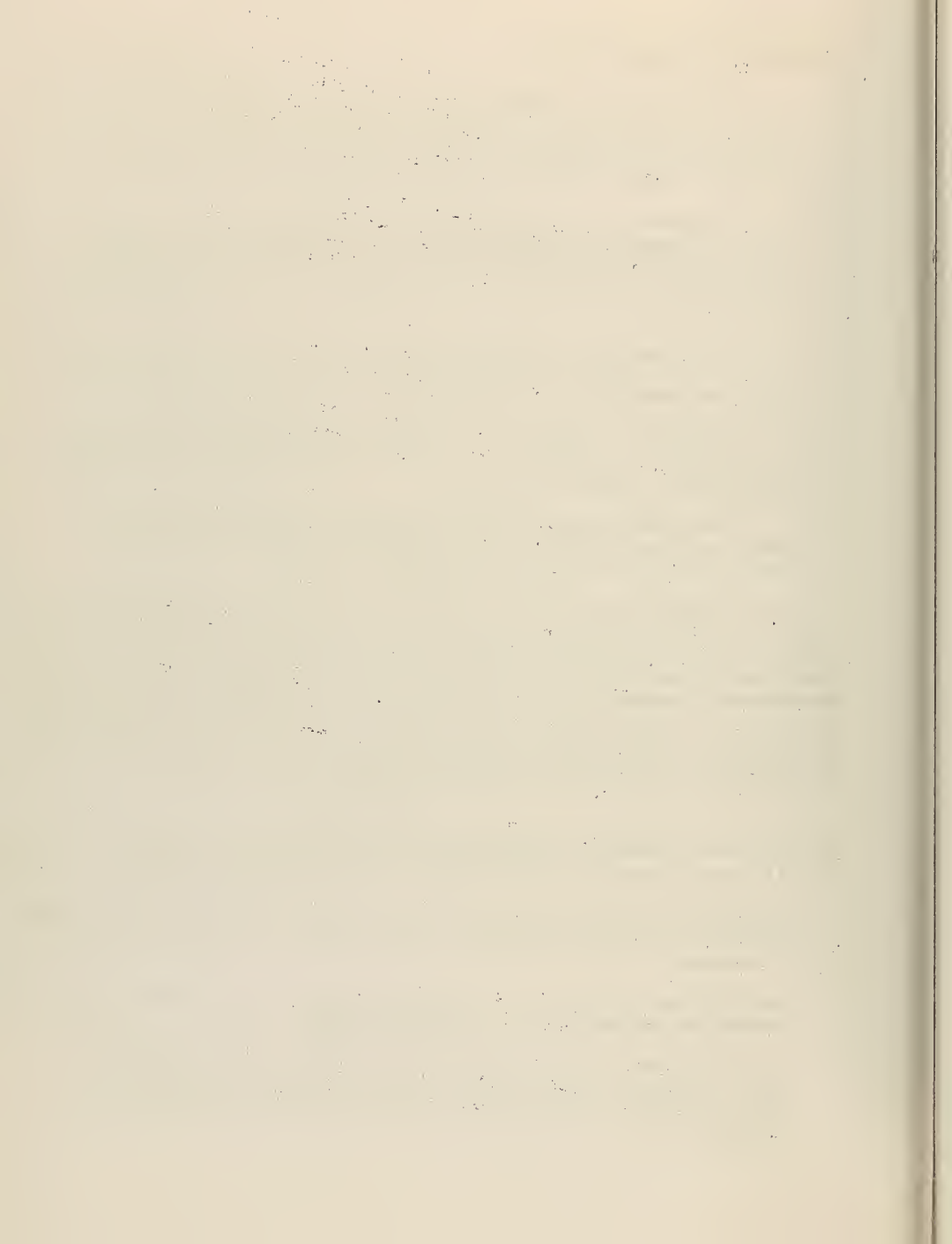
Mr. Passmore stated that the concern of residents of the neighborhood was that the second floor addition would have an impact on views, shadows, and privacy. He noted that discretionary review is generally undertaken only when exceptional circumstances are involved or when a proposed project would have an exceptionally detrimental effect; and he did not feel that the subject project warranted that type of special consideration. Therefore, he recommended that the request for discretionary review be denied. However, since the applicants had done more work than was authorized under the original permit, a penalty may be instituted by the Bureau of Building Inspection.

Brian J. McCaffrey, attorney for neighboring property owners, submitted photographs of the subject building which had been altered to show how the building will appear from neighboring properties if the proposed addition is completed.

Commissioner Bierman asked if the scale of the additions to the photographs was accurate. Mr. Passmore estimated that the scale of the additions was accurately depicted.

Mr. McCaffrey then read the following memorandum which had been prepared by the Director of the Precita Valley Community Center:

"In behalf of the Program Board of Directors and staff of Precita Valley Community Center, we hereby object to the issuance of the building permit application #770-5465 for the following reasons:



- "1. The property remodelling in effect constitutes a major addition to said building which significantly reduces the open space, (light and air) of adjacent property.
- "2. The property remodelling will not be in harmony with the general character of neighborhood structures and might create an eyesore.
- "3. The said property owners have blatantly deceived his immediate neighbors and/or not informed them of his real intentions for remodelling.

"We support the majority of neighbors in the immediate vicinity of above-mentioned property who are opposed to this construction. As a community center which for fifty-six years has represented the needs and interests of the families around the Precita Valley area, we object to this issuance of this permit considering that the owners have shown no regard for the conditions of their neighbors which is more important in our community than the interests of private property.

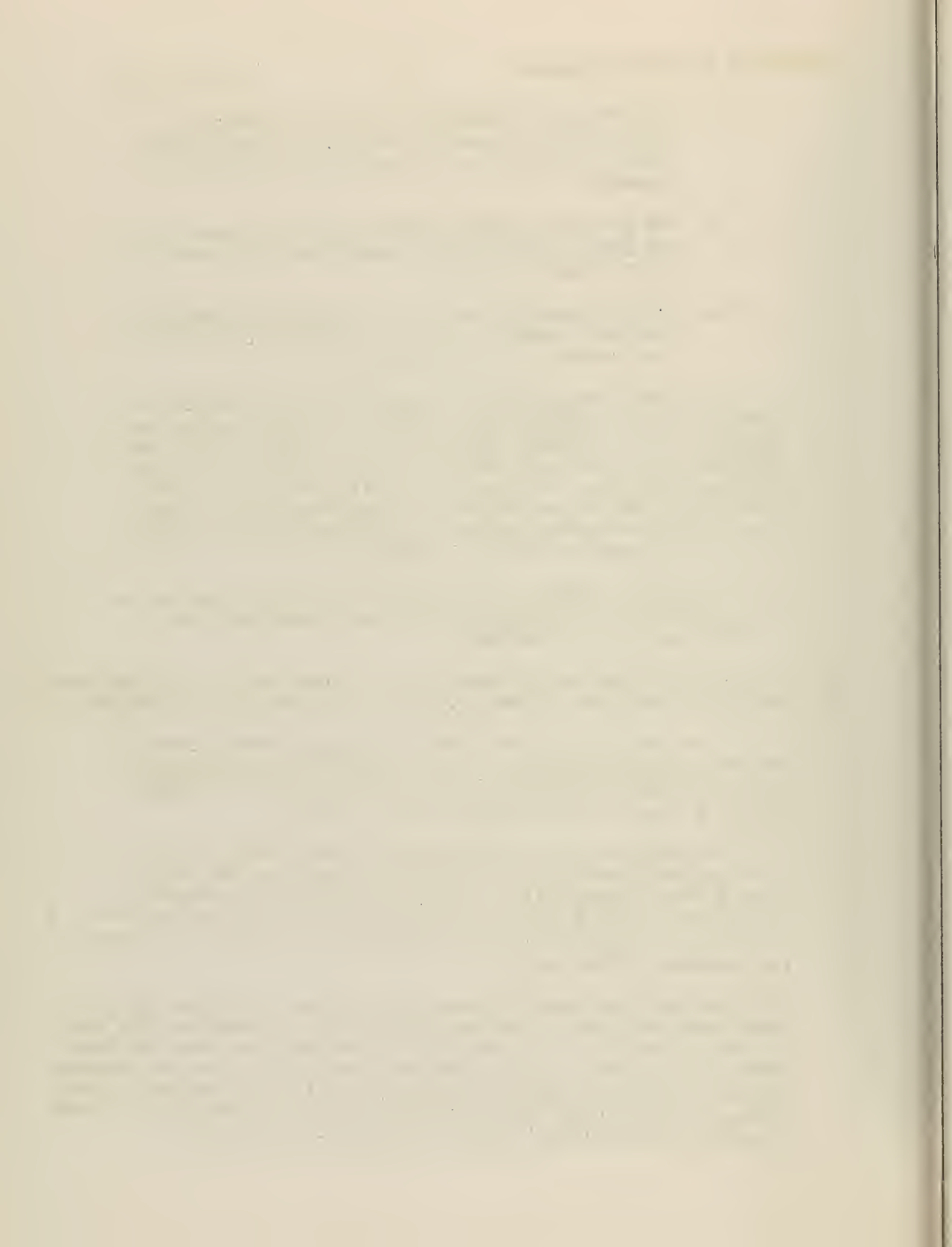
"We sincerely hope that the owners of 63 Mullen will revise their plans in the interest of maintaining harmony with the neighbors and the neighborhood."

Mr. McCaffrey then called attention to a letter which he had addressed to the Commission under date of June 29, 1977. The letter read as follows:

"I am writing to you on behalf of Frank and Wendy Burns with regards to their opposition to the issuance of a building permit to Mr. Thompson and Mr. Chalk, for their property at 63 Mullen Avenue, pursuant to application number 770-5465.

"The issues in this case are exactly those which the City Planning Code identifies as within its primary purposes, namely, '(to) provide adequate light, air, (and) privacy...to property...' City Planning Code §101 (c). It is in order to preserve a reasonable share of these fundamental interests that the Burns are opposing the issuance of this permit.

"In order that these interests may be clear it is important to understand the relative location of the houses in question. The rear of these houses face north, so that the sunlight comes into the backyards over the roofs. As the sun moves from east to west the proposed addition would first block the light as it falls into the Vail's backyard, (they are to the west), and then in the afternoon it would block the light into the Burns' backyard, (they are to the east).



"Thus, the view from the backyards will change from one of some light and air to one of shadow, dominated by the second story of this adjacent house.

"The proposed addition will also reduce the view of those houses directly opposite it on the other side of the street. Mr. and Mrs. Cortez, who have lived in their house for 27 years, have written to the Commission to protest on this basis.

"Although we are aware that Environmental Impact Reports are not usually done for projects of this type, we do believe that one would be justified in this case for two reasons.

"First, the relevant categorical exemption for this project in the state guidelines is described in Title 14 of the California Administrative Code §15101 (e) as 'Additions to existing structures provided the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition of 2,500 square feet, whichever is less;'

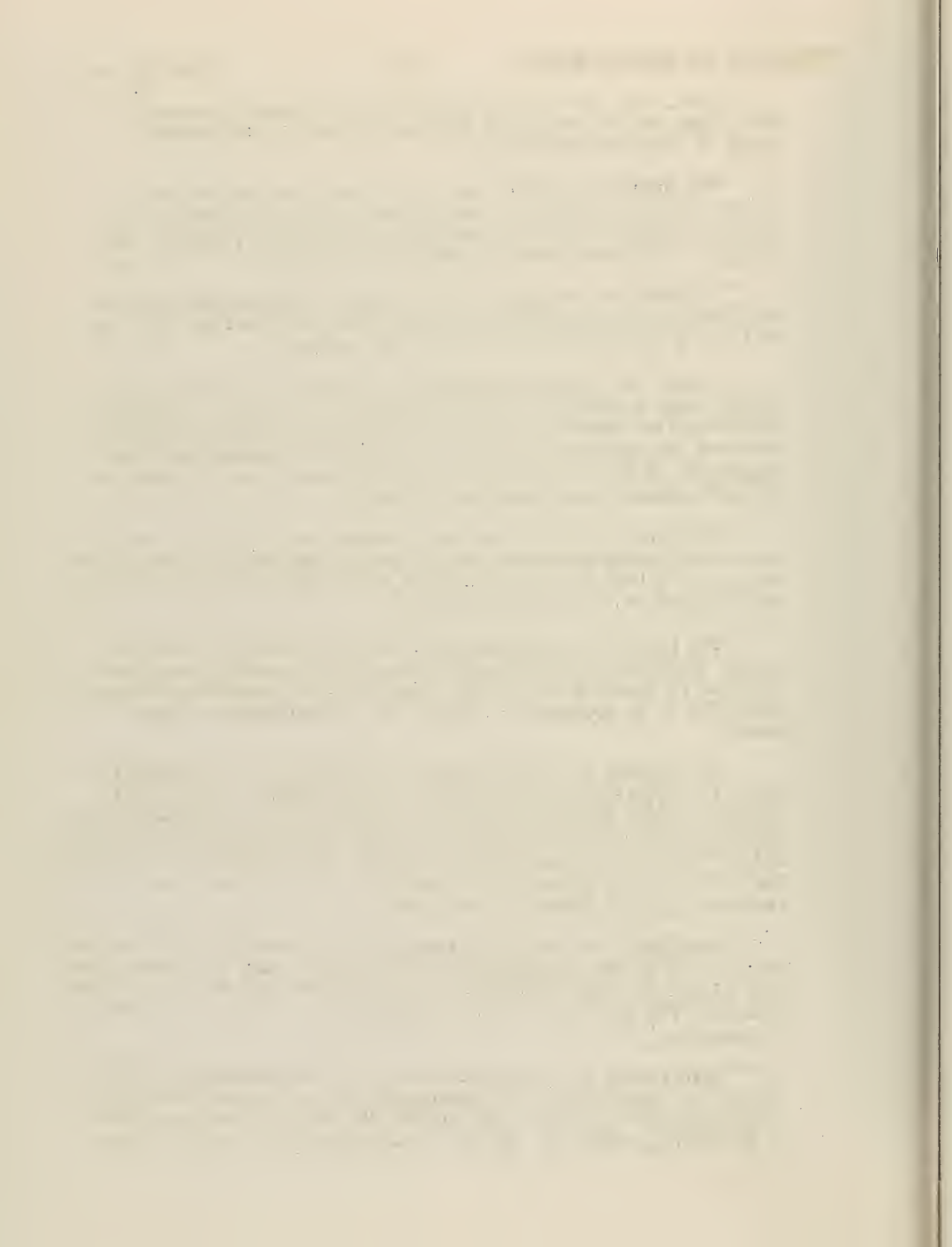
"Section 31.17(a) of the San Francisco Administrative Code requires that exemptions specified by public agencies '...must be consistent with both the letter and the intent expressed in the classes as specified in the state guidelines.'

"The project in question, which would effectively add a new second story to the existing building, would certainly exceed and increase in floor space of 50%. Thus the state guidelines indicate that this is an appropriate project for an Environmental Impact Report.

"In addition to these objective criteria there also subjective bases for requiring an Environmental Impact Report. State E.I.R. Guideline 15081 (Title 14 Cal. Adm. Code) states that the Lead Agency should prepare an EIR if there is even an anticipation of a substantial body of opinion that considers the effect of the project to be adverse. The state EIR guidelines are incorporated into the San Francisco Administrative Code by §31.04 of that code.

"Similarly, San Francisco Administrative Code §31.24(f) requires that '...If in the judgement of the Commission there is a substantial body of opinion that reasonably considers there will be a significant effect on the environment, the Commission shall overrule the negative declaration.'

"With regard to this proposed project, the substantial body of opinion in opposition is well documented by the letters which this Commission has received. They include Mr. and Mrs. Lawrence Cortez of 62 Mullen Avenue; Mr. and Mrs. Luis Torres of 70 Mullen Avenue;



the Precita Center at 534 Precita Avenue, which represents over 400 people from the neighborhood; the Alabama/Ripley Block Club; and the Mission Planning Council, is looking into the situation currently. Such opposition can hardly be considered insubstantial.

"In doing an EIR on the proposed work at 63 Mullen Avenue both the past projects, and any future intended projects should be considered. State EIR guidelines 15069 and 15080 both require that phased projects, or projects with a cumulative effect be considered as a whole. Thus the owners should submit plans for any other intended work that they wish to do on the house.

"In addition to these legal arguments we feel that the equities involved in this situation also call for intervention by the Planning Commission.

"We recognize that there must be a balance between allowing owners to enhance their property and at the same time protecting neighbors from having the use and value of their property reduced by adjacent obtrusions.

"We believe that in this case the balance between these two interests falls between the original plans, as described to Mr. and Mrs. Burns by Mr. Thompson and Mr. Chalk, and the subsequent expansion of those plans which is represented by the present application for a building permit. This would allow Mr. Thompson and Mr. Chalk to improve their home in accordance with the building permit they have already obtained, but would also protect the interests of the surrounding neighbors in not having their light, air and view obstructed.

"In balancing the equities the Commission should also consider the fact that the record of the dealings between the two parties shows an attitude of cooperation and openness on the part of the Burns, (until they felt they were being deceived), and bad faith and attempts to circumvent the intent if not the letter of the law on the part of Mr. Thompson and Mr. Chalk.

"The opposition to this project comes from people who have lived in this neighborhood for many years and some of whom have done a great deal to improve it. Their position is neither spiteful nor ill-considered. It reflects not only legitimate self-interests, but interests of the neighborhood as a whole as well.

"We urge therefore, that this Commission deny this permit application, or in the alternative, to direct the Planning Department to study the entire project, conduct further on-sight inspections, require the submission of plans for all further intended additions or improvements, and the final decision be postponed until the current appeal of the existing permit is resolved. (That permits it being appealed by Mr. and Mrs. Vail because they did not receive notice of their right to object.)"

The first part of the report deals with the general situation of the country. It is found that the country is in a state of general depression, and that the people are suffering from want and distress. The cause of this is attributed to the war, and the fact that the government has not been able to do enough to relieve the suffering. It is suggested that the government should take more active measures to help the people, and that the people should be encouraged to work more hard and more efficiently.

The second part of the report deals with the financial situation of the country. It is found that the government is in a state of financial distress, and that the people are suffering from the effects of the war. The cause of this is attributed to the fact that the government has not been able to raise enough money to pay its debts, and that the people have not been able to pay their taxes. It is suggested that the government should take more active measures to raise money, and that the people should be encouraged to pay their taxes more willingly.

The third part of the report deals with the social situation of the country. It is found that the people are suffering from the effects of the war, and that the government has not been able to do enough to help them. The cause of this is attributed to the fact that the government has not been able to provide enough food and clothing for the people, and that the people have not been able to find enough work. It is suggested that the government should take more active measures to help the people, and that the people should be encouraged to work more hard and more efficiently.

Mr. McCaffrey stated that his clients had a substantial concern about the proposed addition to the subject building. The addition would block views from buildings located across the street; and it would obstruct the availability of light and air to adjacent properties. As a result, the proposed addition would have a major impact on the use and value of other homes in the vicinity. In asking for the discretionary review, his clients had hoped that the Commission would achieve certain design changes in the proposed addition or that it would deny the permit for the construction. Although his clients had been advised by telephone that this matter would be before the Commission, they had not received written notice of the meeting. Furthermore, they had had difficulty in finding out what was actually being contemplated by the applicants. The neighbors had not opposed the first application for a building permit; however, as construction had proceeded, it was clear that more work was being contemplated than had been authorized by the permit. After inquiries had been made to the Bureau of Building Inspection, that bureau had required that a new building permit application be filed for the additional work; and, as a result, residents of the area had had an opportunity to request that the Commission conduct a discretionary review of the new building permit application. He felt that his clients represented a "substantial body of public opinion"; and they felt that the proposed building addition would have a detrimental impact on the neighborhood. Therefore, he hoped that the Commission would grant their request for discretionary review of the new building permit application.

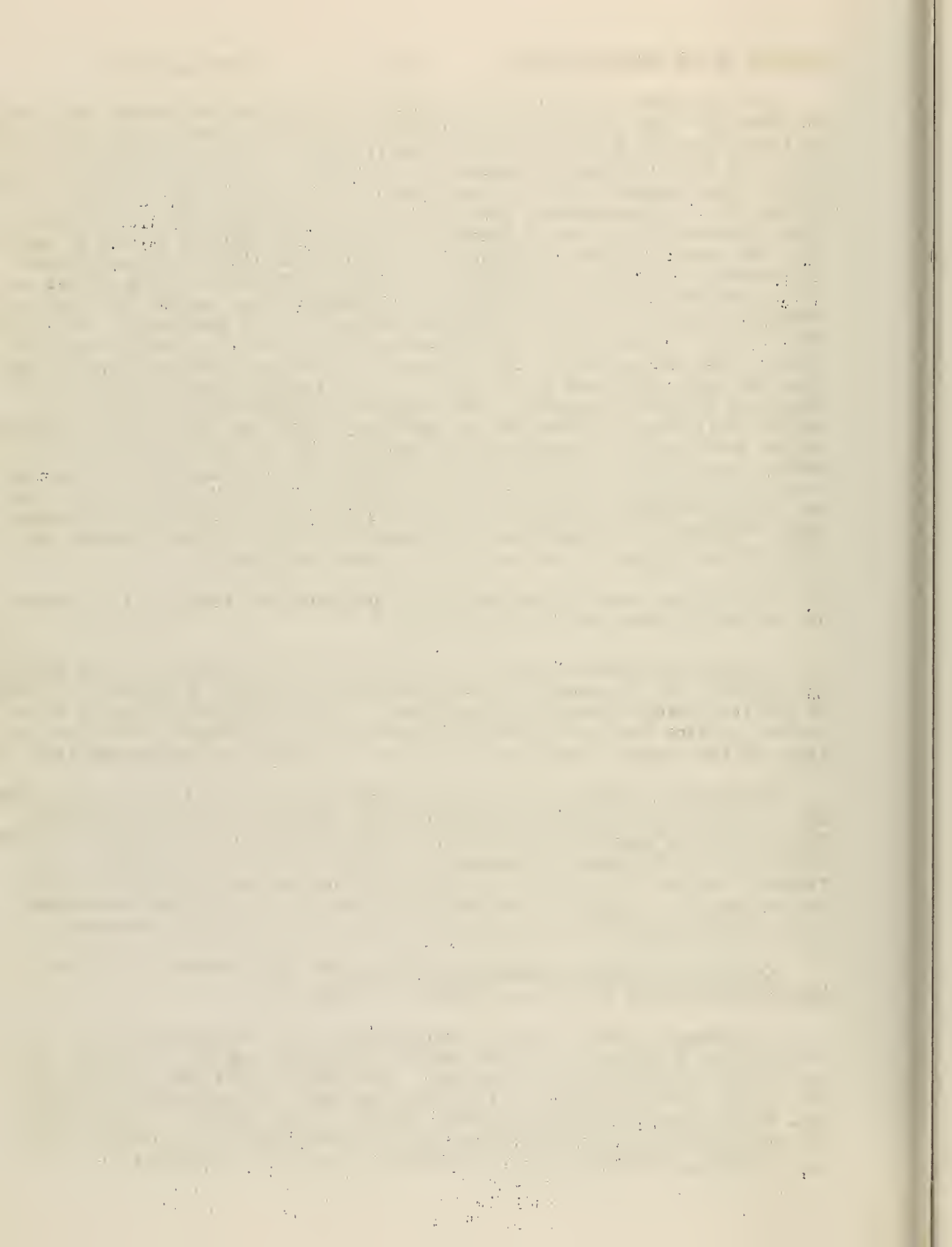
During the course of Mr. McCaffrey's presentation, President Lau arrived in the meeting room and assumed the Chair.

Commissioner Bierman asked Mr. McCaffrey if it was his opinion and that of his clients that the proposed building addition would have a substantial effect on the rear yards of adjacent properties. Mr. McCaffrey replied in the affirmative, stating that the building addition and the new balcony would block the limit of the amount of sunlight which those yards enjoy at the present time.

Commissioner Bierman then observed that the subject building is quite small; and, as a result, the proposed addition would represent a sizable percentage increase in the size of the house. She asked if the staff of the Department of City Planning considered the percentage increase to be of significance. Mr. Passmore replied in the negative, indicating that the existing building could be replaced by a completely new building without an environmental evaluation even if the building were considerably bigger than the existing structure.

Commissioner Dearman asked how many bedrooms and bathrooms the subject house would have if the proposed project is completed.

Al Thompson, one of the applicants, replied that the house would have 2 bedrooms and 2 bathrooms. He advised the Commission that all of the lots in the subject block are of the same size. Building setbacks vary slightly; however, most of the buildings in the block have rear yard configurations comparable to that which was being proposed for the subject property. Furthermore, the height of the proposed addition would be comparable to the height of adjacent buildings. The building at 55 Mullen Avenue has a floor area of 1,125



square feet; and the building at 67 Mullen Avenue has a floor area of 2800 square feet. The floor area of the building on the subject property is presently 990 square feet; and the proposed addition would bring the floor area of the building to 1,350 square feet. Twenty-one of the houses on Mullen Avenue have a height of two stories and three of the houses have a height of three stories. As a result, he did not feel that the height of the proposed addition would be inconsistent with the existing pattern in the neighborhood. Some of the neighbors had referred to the proposed addition as an "eyesore"; however, he displayed a sketch which had been prepared to indicate how the addition will look when it is completed; and he did not feel that it should be described as an "eyesore".

Vince Chalk identified himself as the other owner of the subject property. He remarked that the drawings which had been submitted by adjacent property owners had made it appear that the proposed deck area would be enclosed. In fact, however, it would be possible to see through the railings of the proposed deck.

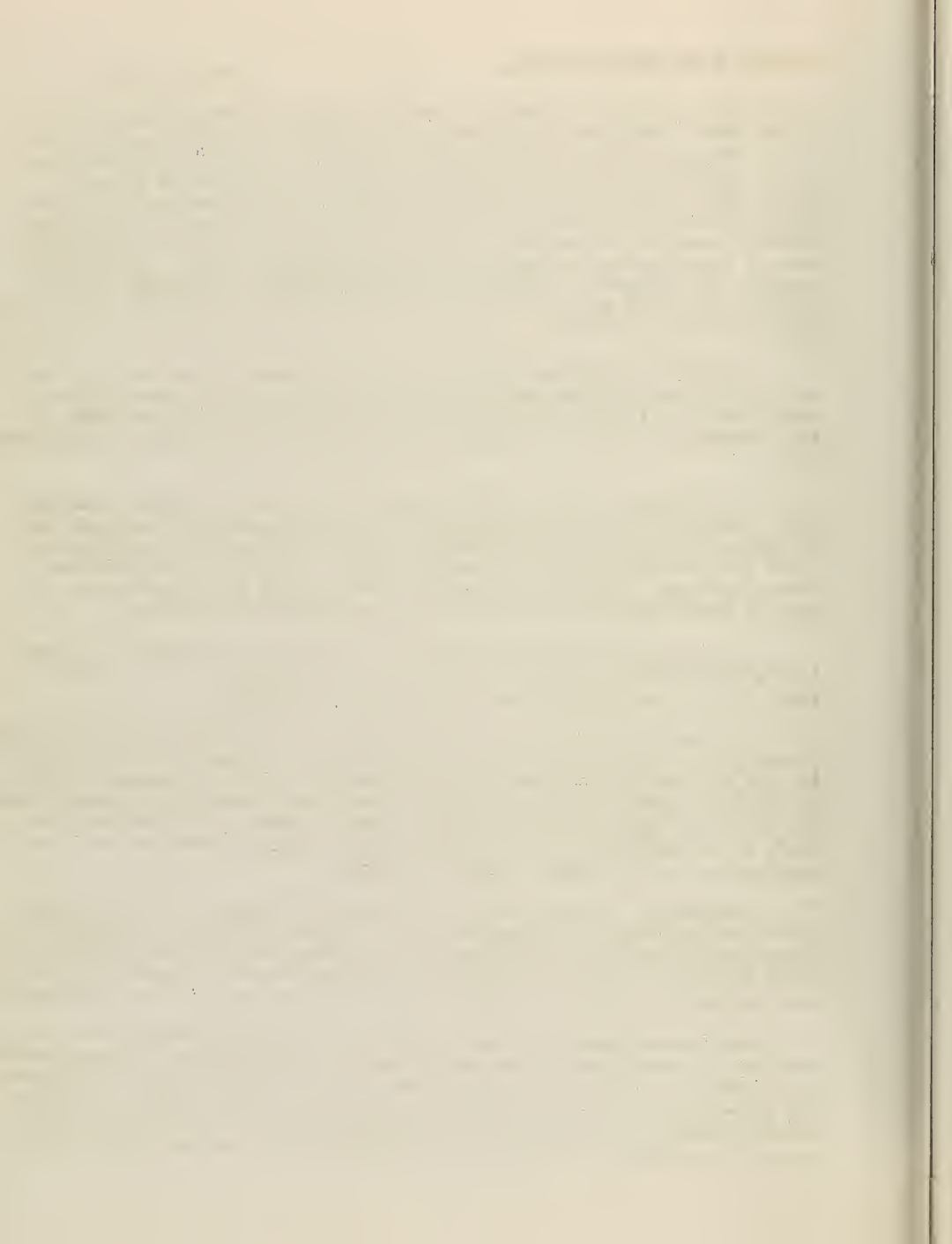
Mr. McCaffrey stated that his clients had not seen the sketch which had been prepared of the proposed addition as it will appear when completed; and he emphasized that one of the problems which his clients faced was that the plans for the proposed project kept changing. He felt that the Commission should undertake discretionary review of the building permit application so that it could exercise some control over the design of the project.

Mr. Passmore stated that the proposed addition would probably have been less objectionable if it had been located in the middle of the building at a point further removed from the rear wall of the building.

Commissioner Bierman felt that the effect of the proposed addition on other properties in the area would be significant enough to warrant further discussion between the applicant and neighbors; and, while she was not prepared to take the building permit application under discretionary review at the present time, she urged the applicants and residents of the neighborhood to work with the staff of the Department of City Planning for a couple of weeks to see if any improvements in the design could be suggested.

Commissioner Starbuck asked the applicants if their architect had considered some alternate configuration for the proposed addition. Bill Mitchell, architect for the applicants, stated that a peaked roof had been considered to match the peaked roof of the present structures; however, a peaked roof would have extended to a greater height than the flat roof which was being proposed.

Commissioner Bierman stated that she felt that the applicants should be entitled to expand their living space; however, she hoped that agreement could be reached on a project which would have a less detrimental impact on surrounding properties. She then moved that consideration of the request for discretionary review be continued until the meeting of July 14 to provide an opportunity for the staff of the Department of City Planning to meet further with



the applicants and concerned residents of the subject neighborhood. The motion was seconded by Commissioner Starbuck.

Mr. Mitchell stated that the possibility of locating the proposed addition in the center of the building had been considered; however, if it had been constructed in that location, it would have blocked a light-well in an adjacent building.

Commissioner Dearman, noting that all of the lots in the block are of the same size, felt that it would be difficult to restrict the owners of the subject property to less living space than exists in other buildings in the area; however, she felt that it would be in the best interests of the applicants to try to bring about a compromise which would satisfy their neighbors.

Commissioner Bierman inquired about the size of the proposed addition. Mr. Mitchell replied that the total addition would measure approximately 12 feet by 16 to 18 feet.

President Lau stated that he appreciated the desire of the applicants to expand their living space; however, he hoped that they would be willing to meet with their neighbors and the staff of the Department of City Planning to see if a reasonable compromise could be reached.

When the question was called, the Commission continued this matter until the meeting of July 14, 1977.

CURRENT MATTERS, CONTINUED

The Secretary noted that the Commission had acted on June 16 to adopt Resolution No. 7754 recommending the appointment of a number of individuals to the Northeastern Waterfront Planning Advisory Committee. When the matter had been considered by the Redevelopment Agency, which has joint responsibility for appointing the committee, that agency had recommended that Ellen Roberts be appointed to the Committee; and a member of the staff of the Redevelopment Agency had requested that the appointment be confirmed by the Commission.

After discussion it was moved by Commissioner Bierman, seconded by Commissioner Dearman, and carried unanimously that Resolution No. 7767 be adopted to modify Resolution No. 7754 by accepting the recommendation of the Redevelopment Agency for appointment of Ellen Roberts to the Northeastern Waterfront Planning Advisory Committee.

The meeting was adjourned at 4:05 p.m.

Respectfully submitted,

Lynn E. Pio
Secretary



